



City of Powell, Ohio
City Council

MEETING MINUTES
November 15, 2016

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, November 15, 2016 at 7:30 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Tom Counts, Jim Hrivnak, Brian Lorenz, Brendan Newcomb and Daniel Swartwout. Also present were Steve Lutz, City Manager; Eugene L. Hollins, Law Director; Dave Betz, Development Director; Rocky Kambo, GIS/Planner; Debra Miller, Finance Director; Jessica Marquez, Ass't Finance Director; Chris Huber, City Engineer; John Moorehead, Ass't City Engineer; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk, and interested parties.

PLEDGE OF ALLEGIANCE

PROCLAMATION – World Pancreatic Cancer Day on November 17, 2016 – by Jami Oliver, Advocacy Chair of the Columbus Affiliate of the Pancreatic Cancer Action Network.

CITIZEN PARTICIPATION

Mayor Lorenz opened the citizen participation session for items not included on the agenda. Hearing none, he closed the public comment session.

APPROVAL OF MINUTES – November 1, 2016

MOTION: Councilman Hrivnak moved to adopt the minutes of November 1, 2016. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

CONSENT AGENDA:

Item

Monthly Reports – October, 2016

Action Requested

Receipt of Electronic Report

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Hrivnak seconded the motion. By unanimous consent of the remaining members of Council, the Consent Agenda was approved.

FIRST READING: ORDINANCE 2016-55: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL REVISING SECTION 1147.11, REGARDING AGRICULTURAL-RELATED USES.

Steve Lutz, City Manager: Earlier this summer a resident approached the City's Zoning & Building Code Diagnostic Committee requesting the City consider permitting chickens. Right now the City ordinances prohibit chickens. The Zoning & Building Code Diagnostic Committee directed Staff to prepare an ordinance which would permit chickens with restrictions.

I would like to make Council aware that several of our HOA/Homeowners Associations have deed restrictions which would prohibit chickens so that even if the City passes an ordinance permitting chickens, deed restrictions would trump our City ordinances. As you are also aware, the City does not have the ability to enforce private deed restrictions. So if the City does permit chickens and a resident lives where a homeowners association which prohibits chickens and they choose to raise chickens, the HOA would be the party legally responsible for addressing that through the court system.

Rocky Kambo, GIS/Planner: Once Staff were tasked with writing the Ordinance, we went ahead and took a look at what other cities in and around Central Ohio were doing. We came across Bexley's code which does allow chickens and we followed Bexley's ordinance editing it to mesh with the City of Powell. The simple form of this ordinance is that if any kind of chicken coop is put in place that the Zoning Administrator,

who is in the Development Department, would go out and inspect that coop. The chickens would need to be kept in a secure enclosure, shielded from the streets. The coop would need to be kept in good working condition and repair. The coop must meet all side yard and rear yard setback requirements for accessory uses. So we are treating the coops similar to accessory structures - for instance, a playground - so it needs to meet those setbacks. We also specified that the eggs will not be for sale so that it cannot be made into a business; that there will be no roosters allowed; and any non-compliance would be a minor misdemeanor.

Councilman Swartwout: Is there a cost associated with the permit mentioned in Section B(1) and the inspection?

Dave Betz, Development Director: Yes. We would put that on our fee schedule. We are not sure what that would be at this point in time.

Councilman Counts: Did you get any antidotal evidence from Bexley, or any other community that has a similar ordinance, as to the enforcement issues or usage of those permits issued?

Mr. Betz: The only thing that we have heard is that if there are complaints, they are able to go out, and because of the ordinance being in place, have inspection authority over this, have the ability to go out and take a look, walk the yard, and resolve any problems, if there are any, at that time. I don't have any data on how many permits have been issued in Bexley, but I can get that for you before the second reading if you would like.

Councilman Bertone: Are you responsible for inspecting? [Mr. Betz: Yes.] You're primarily inspecting the coop, right?

Mr. Betz: The coop, the location and the extent of its ability to handle the chickens.

Councilman Bertone: Any potential health concerns?

Mr. Betz: That's up to the cleanliness. If there are issues with that from the beginning, we can take action against that property owner similarly as we would other things.

Mayor Lorenz: I have a couple questions. The Code change allows for 9 chickens. What was the reasoning for the number?

Mr. Betz: That was our call. Under Ohio law, you have to buy six chickens at a time. We figured if some would die, you would have to wait until you were down to three before you could buy more.

Mayor Lorenz: A lot of the HOAs won't allow this anyway. Do you have a gauge on or done any research on if there are any HOAs in the City or properties in the City where HOAs wouldn't necessarily be involved in this?

Mr. Betz: The only possible one I know of is Olentangy Ridge. For example, the City allows sheds, but many HOAs don't allow them. However, in Olentangy Ridge there is no control over that and we do issue permits there.

Councilman Swartwout: Could you clarify because I didn't quite get which way the direction was going as if it [Olentangy Ridge] would allow or not?

Mr. Betz: Olentangy Ridge is the only HOA that we found that doesn't have restrictions as far as I know.

Mayor Lorenz opened this item to public comment.

Maggie Carter, 262 Halverston Road: I am in fifth grade at Wyandot Run Elementary School. I have always been interested in chickens and would like to raise some of my own. I would like to learn about them and also collect their eggs. I might even join 4H someday if I'm allowed to have chickens. My dad and I met with David Betz and learned that chickens are currently not allowed in Powell. I gathered signatures from 14 of

my neighbors who are supporting me and not one neighbor was against having chickens in our neighborhood. Over the last six months, we worked with P&Z to change the Code and allow chickens. The Zoning Code change amendment was approved by P&Z last month. Currently, chickens are allowed in Columbus and Bexley and many surrounding townships. I am requesting that the City of Powell change the City Code to allow chickens in our backyard. (Exhibit 1, Petition)

Steve Carter, 262 Halverston Road: We are surrounded by Liberty Township. When we moved in, there were horses and chickens all around us. Maggie was four or five at the time and she has always been an animal lover. It was really hard to explain to her why just two or three houses away, or even across Rutherford St., they were allowed to have these type of animals. So it is a lesson. [I told her] Let's talk to the City and explain the situation. They are not in the City of Powell, we are. They have different rules and regulations than we do, so let's go through the process and learn about it. Obviously, the next process is with our Homeowners Association.

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

Councilman Hrivnak: In the issuance of this permit, is there a time for a public hearing or public input or is the permit granted without a hearing?

Mr. Betz: There would be no hearing.

Councilman Hrivnak: In any of your research where there any cities or municipalities that had a hearing based on the request?

Mr. Betz: No.

Councilman Counts: I am assuming that this will go to a second reading, but I would like to reflect on a few things. As many of you know, my wife grew up on a dairy farm, has been around animals a lot, and is now an Ag lawyer, so we have talked about this. We live in Olentangy Ridge which is one of the only subdivisions that potentially this ordinance would effect. The first thing that she noted to me was she and her family had three chickens and she said that was enough eggs for the entire week. They could hardly get rid of the eggs. If we are talking about nine chickens, suddenly we are going to have four dozen eggs that the homeowner is going to have figure out a use for. If they are prohibited from selling them, they will have to be giving them to their neighbors. That is one thing to consider. I'm not sure that nine is the number.

The next thing she noted to me was the fact that next to hog manure, chicken manure is one of the worst smells. If you have someone that does not keep their chicken coop clean, you are going to have a horrible smell.

I understand the urban desire to have chickens, but most of the communities in which these laws are occurring are communities where there are no deed restrictions whatsoever. Powell is a much different community. We are surrounded by some areas which were, or still are, in agriculture use. I do think that in the City of Powell, we need uniformity and I would hate to see Olentangy Ridge being the only place where we might have to deal with these issues.

Councilman Swartwout: I just have a question for Gene. Theoretically, if someone is in violation of this section, they could be sentenced to some jail time for a second offense, correct?

Mr. Hollins: Theoretically.

Councilman Swartwout: I echo Tom's comment that I hope this goes to a second reading.

Councilman Bennehoof: Maggie, you did a nice job standing up here prosecuting your case and representing your opinion very well. I applaud your interest in animal husbandry; however, I'm going to come down on the negative side of this and here are the reasons why: I read the article in The Gazette a few weeks ago and I spent a few minutes on the internet. I found that there were 25 communicable diseases that chickens are prone to in the United States, and that there are three outside the United States that, for some reason, don't inhabit chickens in the United States. There are four conditions that chickens have and there are 20 different natural predators to chickens that live in Delaware County, the least abundant one is weasels.

I then thought about your interest in animal husbandry and that is to be applauded. There are alternatives such as Stafford Farm Park, about 3-4 miles from your home, where you can learn a lot about animals and farming, etc. I then consulted one of the first veterinary diplomats in the United States who I happen to know. It's a very prestigious accreditation, and he said he didn't think chickens in a residential neighborhood was a good idea. I also spoke with a very senior agricultural professor at The Ohio State University, who I also know, and he concurred with the first opinion.

I work out of state in Michigan and I'm surrounded at work by folks that are farmers and one of them is a fourth generation Michigan farmer. I asked him about chickens in a residential environment. He said, "What about the poor chickens?" I asked him what he meant and he said the chemicals that are used in the residential environment are deleterious to chickens. Farmers are very careful about what chemicals they use and your neighbors may not be.

For all of those reasons: natural predators; diseases, some of which are communicable to humans and a variety of other things; the conditions; and the advice of all the professionals that I contacted; I don't think it's a terrific idea. Liberty Township requires 5 acres and zoning of FR1 to have chickens.

I wish you well in your animal husbandry. I hope you do join 4H. I hope there is a way you can satisfy those needs, but I won't be inclined on our second reading, unless some miracle happens, to vote for this. I needed to talk to you directly because you did a very good job here. I applaud your interest and I support it. I just don't see that it is a good solution within the City of Powell. Additionally, I understand that some of the communities are having second thoughts about their decisions to have chickens in their residential neighborhoods.

Councilman Bertone: As I opened up the conversation asking Dave about inspections, I also believe it is the health concerns that Jon is raising that concern me as well. I commend you Maggie. This is fantastic and I think it's a great approach for you and you've certainly taken this very far in conversation. Keep the fight up. I can't speak for my peers and where they may go, but I'm basically concerned about the health side of this conversation.

Councilman Newcomb declined to comment.

Councilman Hrivnak: Before the second reading, could Staff let us know how many of the HOAs in Powell have a deed restriction in this regard? Gene, can you do a little research to determine if there is a way to let the permit application go to a hearing so that if someone applies for a permit, the neighbors would be notified and there would be an opportunity for a hearing?

Mayor Lorenz: I'd be concerned with the number [of chickens allowed]. I think Tom made some good points with the uniformity.

Maggie, just so you understand what we are doing tonight since you spearheaded this, Council will not vote on this tonight but at the next meeting. We are going to ask our Staff for some additional information to help us make the best decision for the whole of the City. I want to commend you. You are very brave for bringing this up and you should be very proud of yourself. I'm sure your parents are proud of you as well. I think it takes a really special person to do what you're trying to do here, so I'd like to recognize you for that.

Ordinance 2016-55 was taken to a second reading.

RESOLUTION 2016-19: A RESOLUTION ADOPTING THE KEEP POWELL MOVING: DOWNTOWN POWELL STREET AND CIRCULATION PLAN. Tabled from November 1, 2016

Mr. Lutz: Tonight what we want to do is address a few specific items that were raised at the last Council meeting when we held the first reading on this proposed traffic plan.

Mr. Kambo: As Steve mentioned, the focus of today's presentation regarding the Keep Powell Moving initiative is to focus in on some of the concerns or items of interest that were raised at the last Council meeting. The four main concerns are: (1) the public input process in developing this plan; (2) bicycle network; (3) eminent domain; and (4) plan implantation.

Public Input Process: The question raised was about the amount of public input that we had with this

plan. It followed very similarly to how we handled the Comprehensive Plan public engagement which was significant.

- Large property owners meetings
- Key influencers meetings
- 2 public workshops
- 2 mailings of over 300 postcards
- 3 public meetings
- Online and print engagement. Megan Canavan, Communications Director, made sure that Facebook, Instagram, Twitter were all updated. We had a large online presence as well as putting this information in the newspaper.

Legally, we were only required to advertise it in the newspaper by legal notice, but we went beyond that and notified everyone affected by the plan at least twice by postcard [See Exhibit 2, Presentation, p. 4, area in pink].

Bicycle Network: There was mention of putting in bike lanes within the downtown core. The plan does not just look at cars, rather it is a multi-modal plan. That means we look at pedestrians, bicyclists, cars and any other form of transportation that may be out there.

- Looked at all modes of transportation
- Four Corners should be a predominantly pedestrian-friendly area because there isn't enough room to put in a dedicated bike lane where we already have very narrow roads

There was some discussion about sharrows (which are the arrows on the roadway that indicate motorists and cyclists are to share the road). Because of safety concerns due to the number of cars we have on the road, we felt it wasn't the right idea. Instead, we recommended a bicycle network that circumferences the Four Corners. Should cyclists chose to come into the downtown, they would walk their bikes within the downtown core. This would keep both cyclists and pedestrians safe.

Eminent Domain:

- Mentioned zero times in the plan as a thought, strategy or plan
- Not a implementation strategy the City has used to date
- We work with residents and business owners to limit the impact as much as possible.

Conceptual Plan:

- Provides direction for development and investment within Powell
- Offers best ideas and recommendations at present
- Many steps required to implement and make this plan a reality
- Refinement in implementation

Overall, the purpose of this plan is to address the number one concern as indicated in our Comprehensive Plan process and Community Attitude Surveys, which is traffic. So we started working on this as soon as the Comprehensive Plan passed last year. What we are trying to put forward is a plan that *helps* keep Powell moving forward for our residents that live here today and our residents that are going to live here tomorrow.

Councilman Swartwout: You mentioned the eminent domain process, but the plan, as presented to us, does implement private property as part of the plan in a number of places. So knowing that the City has never used eminent domain and the idea is that we don't intend to use eminent domain, how do you see that process playing out where we go about getting that property?

Mr. Kambo: Quite simply it's like any other plan we've ever done in the City or any plan that's ever been done anywhere. You plan outside your boundaries or you plan with private property. But the next step is to walk over to that resident or business owner and work with them in attempt to accomplish the goal. I think eminent domain is one of those last resort things.

Mr. Betz: Another aspect of this is that part of the areas within the plan are large areas that are not

totally developed, could have some potential development to it, and, if that happens, gives us a plan to say that we want a roadway here and how we can make that work for the development of the property to meet our goals of getting people in and around our downtown.

Mayor Lorenz opened this item to public comment.

Janet Wartman, 130 S. Liberty St.: I was never one of those property owners invited to any meeting and I'm a large property owner with 5 acres. Why wasn't I invited?

I think this needs three readings and not two. I just noticed that you're going to vote on this today. It needs three readings, like normal. I don't know why you're shortening it.

This is my letter [reads statement]: A requirement for eminent domain must be for public use. Two developers that own much of Powell will benefit. The road will provide access to two private parking lots that are well marked as private and a sign threatening towing. The shopping center was poorly developed for truck delivery access. Powell citizens are expected to correct that developer's mistake. Trucks will bypass the corner. There will be lots of semi-truck noises stopping and starting. Last I heard, Margello wanted to start a wedding event business which can be loud with later hours and drunkards. We citizens are opening up his less valuable landlocked land for him to develop. The public will make his land more valuable. This is not the purpose of eminent domain. Let the two developers work together to supply the road through their own frontage and not cause others hardship for their gain. In the past, developers paid for roads in their development. Why are we doing this differently? Powell is willing to sacrifice citizens' rights to property in order further Powell's monetary gain through taxes. And this will not move traffic.

Powell Liberty Historical Society is our only historical society. Westerville and Dublin preserve their historical site and turn them into beautiful parks. We need to follow their example. Instead, Powell looks to reduce Powell Historical Society's parking creating an undue hardship. A historical house has no option for relocation. Parking is worth more than monetary compensation. Lack of parking limits tours, buses, programs and elderly handicapped access. Drunk and non-drunk drivers have been known to crash into houses. Most items in this house are irreplaceable. You are opening up Pandora's Box with eminent domain creating fear in all of Old Powell. Old Powell is sacrificed for developer dreams. Don't start this precedent.

Left turns at Grace via the alley that already exist can be made at the Olentangy Ridge-Bartholomew Run interchange. This road would be citizen-friendly and cost effective.

I would remind you that taking a landowner's property for other than public purpose is a violation of both Section 19, Article 1 of the Ohio Constitution and the Fifth and Fourteenth Amendment of the Constitution of the United States. You may also be violating Section 6 and 13, Article 8 of the Ohio Constitution. You need to divulge, right now, how much of this road is being paid for by Powell, how much is being paid by developers. Is Powell buying the land through their parking lots? Are we paying for the road there as well? How are you handling the drainage changes? There's a huge ditch there. What is going to be done instead? [Mayor: Your time is up] You have sarcastically named this road the new Marlin-Perry Road. Come on. That's sarcastic. Can you answer my questions about how this is...

Mayor Lorenz: Why don't you leave your remarks with Karen [Mitchell, City Clerk] so we have your entire remarks. I've written down a couple of your questions and I'm sure we will discuss those questions during our discussion portion.

Brian Creek, 126 Kellys Court: Prior to voting on this, I would like to ask all of you to please consider the impact this is going to have on the citizens of Powell. We're talking about an \$8.8 million dollar tax increase in order to build duplicative infrastructure. There is already a bypass on the south side of the City, it is not going to improve traffic flow, and it's going to eliminate many old-growth trees in and around downtown which adds substantially to the beauty of downtown Powell right now. Furthermore, please consider the impact it's going to have on me and my neighbors. It's going to infringe on our property lines, it's going to eliminate buffers that currently exist between our properties and the road. It's going to cause safety issues for my children by putting the path of oncoming traffic directly into my yard. It's going to increase noise and light pollution. For me personally, it's going to put headlights directly into my backyard and into my living room. It's going to remove many old-growth trees which I

and my neighbors own and it's going to have a devastating impact on our property values. I hear you guys and I appreciate the fact that people are saying that eminent domain has never been used. You've got three citizens here whose land is going to be taken who are telling you that we are not open to selling our land. So to me, that merits revision to the plan before it even gets approved by this Council. If we're not going to use eminent domain and we have three people saying we're not going to sell our land, that's got to be considered pretty heavily before we go forward.

So juxtapose the impact on the citizens that it would have on the property developers – property developers that want to clutter downtown with more buildings, roads and parking lots. It seems very convenient for them that the road that they would receive, that would give them access to their plots of land, would be paid at the expense of the taxpayers of Powell. The evidence would suggest that Council cares more about those developers than it does about its citizens and I don't believe that is true. I've been around enough and I've been around this group enough to know that you guys want to do the right thing. I really believe that but you have to know how this looks to a lot of us. I've mentioned in my notes in the past that I'm not open to selling my land at this point in time and so I really believe that before we go forward with this plan and approve it, the Grace Drive extension should either be taken out or we should postpone plan approval pending more study around the impact of the construction of Sawmill Parkway and Murphy Parkway. I appreciate that this is a hard problem to solve and I know that there's a lot of things to weigh, but this is pretty important to a group of us that have our land at stake.

Lester Wibberly, 5005 Bayhill Drive: I commented at the last meeting and made a suggestion that bikes be safely accommodated through the City by considering bike lanes. Realistically, nobody will take those routes round downtown Powell. You are either going to have bikes on the street or on the sidewalk. If they are on the sidewalk, you have a pedestrian safety issue. If they are on the street, you have a bicycle safety issue and drivers inconvenienced. If you think about someone to the east trying to bike with their kids to the zoo, they are not going to go up Grace Drive and try to cross Liberty, come back down to Powell Road and head west. I was wondering whether you were planning to prohibit bicycles on the sidewalks/multi-use trails because today people ride their bikes through there – kids, families, so forth. Are those people going to be required to ride on the street? I don't think this is an adequate multi-modal plan for downtown Powell. I recognize that you have a lot of limitations in terms of street size, and I think you could look at the tradeoff between having bike lanes versus extra parking. Anyone riding down those streets on a bicycle has the open-door problem with cars parked along the street.

Chris Burga, 134 Kellys Court: My husband and I emailed you, but I also wanted to come here tonight to reiterate it because we feel it is so important to us. We would like you to remove the Martin-Perry extension from the Keep Powell Moving Plan. We will not let you take any of our property without a fight. I am right behind the Martin-Perry house. The consultants met with Vince Margello multiple times to make sure his needs were met. They went so far as to move the Martin-Perry parking lot behind their house which is going to cut into the trees that buffer us from Powell Road that is on our property. It appears the developers stand to gain considerably and we stand to lose. They get to have the City pay for two roads in the southeast quadrant so that it can be developed while shoving the traffic from the Four Corners into our backyard. No consideration was given to us. Our property values will suffer considerably. In addition to moving the Four Corners into our backyard, it brings the trucks, it brings the noise and it's going to remove a lot of the trees that have taken years to grow and buffer us from Powell Road. You already have the ability to restrict left turns for vehicles heading into the City from the east by requiring them to use Grace Drive. You said you will never take property using eminent domain and I just pray you don't start now.

Robert Wilhelm, 9637 Sunset Dr.: We've had a number of discussions with people on the Development Committee about the development of the Grace Drive extension through our parking lot [at the Powell Liberty Historical Society]. One of the big concerns that we had at the Powell Liberty Historical Society was to make sure that we were not required to utilize the land on the opposite side of the house to accommodate parking. Following that up with recent discussions, we came to an agreement that if the Grace Drive extension through Martin-Perry was going to come through, then we would be willing to accept parking to the south of that on the part of the Martin-Perry Drive that runs east and west, immediately after it crosses our parking lot. Those agreements are basically to help us prevent having to

mess up our green space on the east side of the house in order to provide parking. We are still opposed to the extension of Grace Drive through our parking lot as Martin-Perry Drive and we hope to find another solution to that.

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

Councilman Newcomb: I have more detailed questions about the northwest quadrant, the parking behind the businesses there. Are we going to use eminent domain there or is that property going to be donated?

Mr. Betz: The right-of-way width is 40 feet wide. Many of those properties already have parking lots in that area. The concept here would be adding additional spaces to those that are there. Again, we would speak with the property owners to make sure that we can either gain easements or additional right-of-way to be able to put that parking in or, if they have improvements to the property that substantiates them putting in parking, that it would follow this plan to do that or more. That would also be the first step that would need to be done if we were to make improvements to Olentangy Street, as shown in this plan, which takes out the on-street parking along W. Olentangy St. and replaces that with some of that parking in the alley.

Mr. Kambo: Also, in our cost estimates, we've taken into consideration the purchase the land in order to make this happen, not just taking the land by eminent domain. It would be trying to make those residents and business owners whole through their own improvement or purchasing the land.

Councilman Newcomb: When you are trying to make a left on Liberty from Hall, the extension of Hall, are we anticipating a traffic light there?

Mr. Betz: We didn't get into the details of that with this plan since it is conceptual. It would depend on how those turning movements would happen and how many cars at the peak hours, and if it meets the state requirements for the installation of a traffic signal. It would be part of the engineering review if we do any improvement there.

Mr. Kambo: These recommendations are prioritized in which ones need to be done sooner. And at each step, as one item is done, we will reanalyze the situation/impact in order to determine whether or not a signal is warranted.

Councilman Newcomb: In that northwest section we have the Armita Plaza going in and another development going in. Are there recommendations for it to widen the pathway for bicycles?

Mr. Kambo: For Armita Plaza and Traditions Commercial, it was not part of their approval to widen that pathway. To the south of the Powell Crossing development, the redo of that path is part of their development plan.

Mr. Betz: We are utilizing existing walkways at those locations.

Councilman Newcomb: It looks like they are tearing those sidewalks up now in front of Armita Plaza.

Mr. Kambo: They are going to be doing some lot work on that road section, but that doesn't involve the sidewalk.

John Moorehead, Ass't City Engineer [from the audience]: The work that you are seeing right now is a part of the 7682 Lincoln Street development where they are widening that intersection. With that widening, they will be removing 1 or 2 blocks of sidewalk and re-establishing the handicapped ramps to the new, widened pavement.

Councilman Newcomb: With regard to the southeast quadrant, it's been said before, but doesn't Bennett Parkway serve the same purpose as the proposed Martin-Perry Drive?

Mr. Kambo: Bennett Parkway is for through traffic, or traffic going south. The purpose of these parking lot connections in the back are two-fold. One is for individuals who may be wanting to go south, but also it provides access to those commercial buildings to the south at the back as well.

Councilman Newcomb: If you go down Bennett and come out at Liberty, you just go north....[multiple speakers]

Mr. Betz: One of the recommendations out of the plan is to implement a way-finding program for other ways of getting around Powell. We would probably recommend to do that first and then see how that works. That's a very inexpensive improvement to make. However, when you take left turning movements away, westbound, at the Four Corners (indicating), which is what we are proposing with this plan, the property owners along S. Liberty are concerned with how their customers will get to them. Now, you're right, Bennett Parkway works to make that happen, but what they're concerned about is first or second time customers, customers from out of town, and getting lost on their way and then not even coming here.

Another option that's been proposed is to extend the alley on the other side of our parking lot over to Liberty St. so that you could go past, turn left and then come back. That is another way we've shown to get to businesses on S. Liberty St. These aren't intended to be roadways to be used for people to cut-through town, rather, the intent is small roads, two lanes, and lower speeds.

Councilman Newcomb: I know this plan eliminated the road parallel to the train track on the southwest side because that was duplicating what Murphy Parkway was doing.

Mr. Betz: Our police chief didn't like it because it's going right past the police station and through Village Green Park, so there were many other considerations with that.

Mr. Kambo: In the initial review of this plan, we did have Hall Street extended, but due to police safety-related issues, that was taken out of the plan.

Councilman Newcomb: It was considered redundant. Martin-Perry seems redundant in comparison, not only to Bennett Parkway, but also to Bartholomew Blvd. at which people also use to get down to S. Liberty, and that's actually closer to downtown Powell than Murphy Parkway.

The northwest section again, as far as the bicycle paths, I've read about skinny streets where they really narrow those streets down, it reduces the mph, but then it also provides access for bicycles.

Mr. Kambo: Are you talking about along Powell Road? Along the side of Powell Road, you will notice that all the on-street parking was removed and put into the back. The same on this side [indicating]. One of the things we talked about on Powell Road was reducing friction – that's one of the reasons why we have a slow-down in traffic when you have multiple curb cuts and you have parking on the street. That additional friction slows down traffic on that road when we are essentially trying to get the traffic through. So if you go back to skinny roads, you're essentially upping the friction again and slowing down traffic.

Councilman Newcomb: Wouldn't you want to have the traffic slow through downtown?

Mr. Kambo: You want it slow, but it comes down to trying to get traffic through the Four Corners. One of the biggest things we are dealing with here is that we have an immense amount of traffic going to the zoo and to Polaris right on that road and if it's slowing down through that main section, that's what is leading to a lot of that traffic. That is why you are trying to reduce friction, not add friction to the road. Now when you're designing roads on the Martin-Perry Drive, you design that to be thin, to be narrow. You put trees on the side of the road and that way it slows down traffic.

Mr. Betz: So this is what (indicating) the conceptual plan is for Olentangy Street looking east. So you have three lanes with a turn lane going to Hall. These are 11 foot driver lanes, which on a state route should be 12. But we can skinny them down. Then the turn lane itself is at 11 feet, or possibly 10 feet. One of the things we have done with this plan is to keep the pedestrian-friendly orientation of our downtown so people walk from building to building. We've done that with wider sidewalks, including planting beds instead of bump outs, like we have where the parking area is now. This actually reduces the amount of pavement in that area than we have now. So it is skinning down the road some. What could be done, because this is so wide in these planting areas, is that we could add a few feet each side and add a bike lane in – at least one side, but it would have to be designed to meet the ODOT standard for bike lanes to make it safe, which is four feet on each side.

Councilman Newcomb: The plan also talks about integrating a lot of the parking lots. Why can't we just do that right now? Or why haven't the businesses done that already?

Mr. Betz: We have tried to promote that more. In fact, with the Armita Plaza and Traditions, we have those

two new ones agreeing to shared parking. With existing businesses, we get a lot of push back all the time. People want their own parking for their own business, for their own use and not for anybody else. They are concerned about maintenance responsibilities and such. What we are trying to do here is to promote shared parking but make it a benefit for them somehow. But the idea is to make the connections happen. Within this plan we are doing that when the development comes in. We can then say let's make that happen.

Mr. Kambo: I think the short answer is that it's a great idea and that's why it's part of this plan. Once the plan is adopted, if adopted, it provides us with a direction and the backing to try make these things happen.

Councilman Newcomb: Do you really need it to be adopted in order to promote it?

Mr. Kambo: Yes. It will help.

Mr. Betz: It does help because it's stated policy of this Council. Without a stated policy of this Council and without a plan, we can't say you need to do this. We can put it in our ordinances. Now if we do adopt this plan and when we are revising our ordinances, we should put in our ordinances then that based on this plan, that if there is a chance to connect parking lots together that this shall be done.

Mr. Kambo: And let's not overlook the fact that this could lead to ODOT funds, or MORPC funds. Having something on the books like this is what gets you those funds.

Councilman Bertone: I equate this whole effort to some of my own personal matters at home. There's a lot of items I perceive I need, but as I get older and I see my kids get older, I discover I don't need it after all. As I look at this entire plan, one of the items we spoke of with Justin Goodwin [from MKSK] was that we would layer this in a manner that makes sense. We do need solutions in this community for the traffic problems we face. I'm not amused that we're going put it on our residents back in certain pockets. I like the plan. I don't like the southeast quadrant right now. I'm having heartburn over it. I believe we need to come up with solutions and layer them in. This is not an authorization to spend \$8 million dollars this evening. This resolution is an opportunity for us to consider the study further, frame this for opportunities to pursue grants, or at least have a framework to work with. No one is cutting trees tonight. No one is cutting trees tomorrow. None of that. We are simply looking at the plan as what it is. Hearing my comments about what I feel about the southeast corner and some of the residents and their feedback, I am asking you guys to really think this piece through and let's work together with our residents to find the right solution there.

Mr. Betz: I think that can be done as we move forward. [Councilman Bertone: Correct, and that's what I'm intending...] If you want to put a put a condition in the plan on the ordinance, you can do that.

Councilman Bertone: I think you have done that with Section 1. I really do believe that this is satisfied. That was my intent to say that.

Councilman Bennehoof: I agree. As we get older we find things we don't need quite so bad. However, a couple of things that I think we all to be cognizant of: it is a plan, a concept, it's a vision. And visions shape the future, they don't form the future. By that I mean they give substance and direction at implementation. As we find a developer that comes along and says he's going to do this development improvement on the property and we have a plan, we can say, 'Well you need to be able to comply with some of the construction requirements and the parking, etc.' My perception has been that we are not necessarily funding all of this. If a developer is doing something on his property, he'll fund that piece of it and we just have a way now to connect everything together. Any time you look at a system and you change something in the system, something else changes. It's a fact of life. So it's most important to look at it and understand that it's a vision. You've done a good job. I think that the incremental improvements over time, the possibility of not doing something because it doesn't make good sense.

I'm not a fan of encroaching on someone's property. I agree that the plan never says eminent domain. The only places I've heard eminent domain has been from that microphone; however, there are people with legitimate concerns and I share those concerns. We are all up here for the entire City and that includes the individuals that are impacted as well as the rest of the City that's constrained.

Are there things I'd like to see different? You just brought one up David. I think the bike lanes possibly in the street. I think that any time a street is improved, we ought to have a bike lane provision from this day forward because the multi-modal paths off-street doesn't make good sense for a lot of people for a lot of reasons.

Councilman Hrivnak: First, thank you for all that came to comment on this issue. I think it's important for me to understand what the purpose of this plan is. This represents a long range plan. Long-range plans are important. We need to know where we're going to be in the future so that each step forward that we make can be towards that point in the future. The plan is to provide direction and not detail. I think the plan has done a good job in setting direction for the downtown, but the details are yet to be determined. The details will come, with much consideration, each time there is a development. Each time there is a plan we relook at what we are doing, we add details as the plan moves along.

I too, haven't heard the word 'eminent domain' until we've heard it from the microphone, and we got some history from Rocky on that. We have to give special consideration to the southeast quadrant and I think that's eloquently mentioned in the Resolution, so I think that is well covered.

As far as the cost. The cost of the plan, as everyone knows, is \$8.8 million, but what we don't know is where that money is coming from. It's a multifaceted plan. It's a long range plan that includes funding from many sources, including future development. Not always will the same people own the land that own it today. I'm not going to own my property forever. I might sell it to someone else and that someone else may be willing to sell to someone else or the City. Who knows? But if we don't have a long-range plan on what we want to happen, those opportunities will escape us.

Finally, I will say that bike safety is of the utmost importance to us in Powell. We encourage people to ride and use bikes. I think that we've seen a couple different ideas, but the one concept that runs through this plan and through our discussions is that bike safety is important to all of us. We're excited about people riding their bikes and we want them to do it safely. So I think there's room to discuss that further. I don't think that it has to be determined before we accept this plan as a long range plan for the City. I will be moving in favor of the resolution tonight based on those facts.

Councilman Counts: We've been discussing traffic for as long as I've been on Council and even before my tenure. It's a perennial problem. If it were an easy fix, it would have already been solved. But it's not.

One of the things I've seen in the history of Powell is we've had plans and then those plans get watered down by local interests. We saw that with Bennett Parkway. There was a plan put in place. So as much as we know that plans change from time-to-time, we must also be vigilant to remember what we are trying to achieve here, and that is (1) to ameliorate the traffic issue as much as we possibly can in the downtown area, and (2) provide a means for local residents to get to the downtown area. As we move forward with any implementation of this plan, we have to keep those two goals in mind because to the extent that we water it down, we lose the potential positive impact this can have in our community. I'm in favor of the plan. I know that over time, the plan will get tweaked, we'll have a lot of discussion about it, a lot of opportunity for input, and I think that this is the time we just have to start and say we are going to move forward.

Councilman Swartwout: I am a little concerned that we are acting prematurely here. As I looked at the October 26th P&Z minutes, this was approved by P&Z to advance to City Council subject to the following conditions: "That the consultant team for the Keep Powell Moving Downtown Street Plan shall re-evaluate the portion of the Plan which recommends a new street, Martin-Perry Drive, looking for other options to alleviate the impact on the residential properties, *prior* [emphasis added] to final approval of the Plan." What we are doing today, as I look at it, is we are approving the plan before the re-evaluation. This is the draft minutes, so if there was a typo here in the draft, please correct me, but the recommendation was to do this re-evaluation before we adopt the plan and what we are doing is adopting the plan before the re-evaluation. Rocky and our Staff did an excellent job on public outreach and yet through three public meetings, despite all that public outreach, I don't believe one person has come to support this plan without reservation. People have said they like portions of the plan, but no one has said they are all for the plan 100%. So in its current state, I will vote no because I will go with the recommendation of P&Z to do the re-evaluation before adopting the formal plan.

Mr. Kambo: So based on P&Z's recommendation to re-evaluate, this was the process through which we looked at this Martin-Perry Drive. What you see here is that it was a different curve than what you are seeing right now as one option - that was a 30 mph option. This is the 25 mph option, and lastly this is what we ultimately came up with, the 15 mph option. In our re-evaluation and speaking with the consultants, no matter which way we looked at this, this ultimately was where the consultants and Staff stood as the best possible option available. So it was evaluated and re-evaluated as per the P&Z recommendation.

Councilman Swartwout: So this plan, the consultants and Staff say we are definitely going forward with Martin-Perry Drive?

Mr. Betz: This recommendation is based upon good engineering standards as well [Councilman Swartwout: I understand]. One thing you don't want to do is skew a roadway and this is already planned to be a signalized intersection. We've already authorized the money to go to bid for this signal. And, as you can see by the lane markings here [indicating], what we are doing is keeping this at two lane sections going through here and because of the turn lane going to Grace Drive eastbound to Grace Drive northbound, there's no room for another turn lane to get into here in the westbound lane. So that is why it has taken this form at a signalized intersection. We can try to skew that more. Certainly there are intersections out there like Worthington Road and High Street where you have skewed signalized intersections, but it's not ideal and we would not recommend it. There may be other options, and it does need further evaluation, but that is why it's on the Resolution.

Councilman Swartwout: It needs detailed study according the Resolution, so as much as this evaluation is already been put in place and it is essentially the opinions of both Staff and the consultants that this is needed, what exactly are the plans for the further detailed study?

Mr. Betz: We would have to move forward with another round of funding for the engineering consultants to look at this specific issue. That's not in their scope. We would either have to either table this now and expand their scope and do it now, or do their scope later.

Councilman Swartwout: Do you see any result of the potential detailed study without Martin-Perry Drive?

Mr. Betz: I really can't tell you. I would think it would still be a recommendation coming out of it, but what other alternatives are there? There's going to be very few.

Councilman Swartwout: So realistically, in the minds of Staff and the consultants, we are moving forward with Martin-Perry Drive?

Mr. Betz: Final authorization is up to you guys.

Mr. Kambo: These are Staff's recommendations.

Councilman Counts: If I can just give you an example of where this has come into play - Murphy Parkway. In 2001, it was intended that Murphy Parkway would flow right into S. Liberty and that was set in stone if I remember correctly. It was re-visited not once, but twice, and ultimately with a lot more detailed engineering drawings. The consensus was that it should be a T-intersection and ultimately that's what it was.

Councilman Swartwout: The Resolution calls for detailed study. We say we've had the re-evaluation and the thoughts are pretty seriously that we're going ahead and the road will be there. I would like to see more of the detailed study and whether there's even a need for a detailed study.

Councilman Hrivnak: I had a question for Staff. Rocky, I thought I heard you say that the re-evaluation that was requested by P&Z has been completed. Is that correct?

Mr. Kambo: Yes.

Mr. Betz: Yes. We reviewed that with our consultant and going over these previously examined alignments for getting to that signalized intersection and that was what their recommendation was.

[MULTIPLE SPEAKERS]

Councilman Hrivnak: Dan you said that this means that the road is going in. [Councilman Swartwout: No, I didn't say that. I said that was what the plan says.] Right. I think that is an important distinction. The road is on the plan, that doesn't mean the road will go in. That means the road will be studied, examined and looked at many times.

Mr. Kambo: Yes.

Ms. Wartman [From the audience]: My questions still...[inaudible].

Mayor Lorenz: Just a moment please. I am just getting ready to address them. This is a resolutions and under

the Charter, resolutions only require one reading, so we can act on them after one reading. This is an important enough issue that we decided to take it to a second reading to allow for additional public comment (you were here for the first reading and spoke) and we could have more conversation on the proposed Martin-Perry Drive. We have had two workshops this summer, and I believe you were at one of them. We have had two different stakeholders' sessions over the summer. We have had three hearings now on this item and I'm sure our Staff has had countless meetings with Mr. Creek and some of the other folks that live off of Bartholomew Run. We are probably going to act on this tonight, but I wanted you to know that we are following our policies and procedures and we are actually going above and beyond what we are required to do.

You asked about drainage. This is a conceptual plan. It would not address drainage. So once we get into specific parts of the plan based on the recommendations and funding and the engineering, this is just the 10,000 foot level of what we want to do, that will come into play.

I want to talk about the eminent domain as well. It really troubles me that there were many comments on that, and I get it. We've not used that. This is a conceptual plan and it does not talk about the acquisition of properties yet, so I think it's a bit premature, but I certainly understand how these two residents feel with this road shown on here. I'm not 100% sure that's the best thing to put in, but what it does is it gives us a blueprint or something to work on which we have been requested, since 2010, as the number one issue in our community attitude survey to work on. In 2012, the number one issue in our community attitude survey was traffic. In 2014, the number one issue in the community attitude survey was traffic. And again, 2016, the number one item in the community attitude survey was fix the traffic. Staff, this Council and P&Z and many of you as community members have been working with us for the last 16 months to put together something that's tangible, that gives us an opportunity - that gives us some guidelines and some framework to fix the traffic issue. How we will pay for it, how exactly it's going to look, is the next step. I'm sorry if I'm shouting a bit, but I'm really passionate about this because this is something that the overwhelming majority of our citizens have asked us to do and we have spent an inordinate amount of time and effort to present something that's going to benefit the community as a whole.

Having said that, I'm going to vote in favor of this resolution. I am okay with Section 1 as it is written, so we can continue to work with Mr. Creek and Ms. Burga and the other property owners that may be affected by that road. I don't know if it's ever going to go in, but I'm not going to sit and after being told by the overwhelming majority of residents that this is something we need to do. I'm not willing to hold it up. We've had ample time to communicate and discuss it.

MOTION: Councilman Counts moved to adopt Resolution 2016-19. Councilman Bennehoof seconded the motion.

VOTE: Y 5 N 2 (Newcomb, Swartwout)

FIRST READING: ORDINANCE 2016-57: AN ORDINANCE APPROVING THE FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 88,320 SQUARE FOOT, THREE-STORY, STORAGE FACILITY ON 3.02 ACRES AT VILLAGE PARK DRIVE NORTH OF PENNY LANE.

Mr. Lutz: This is a proposed development recommended for approval by the P&Z Commission. Dave and Rocky will give you an overview. The applicants are present tonight.

Mr. Betz: This is a first reading, so it will go to second reading. The property is located at the extreme south end of Wolf Commerce Park. To the north are some office/warehouses. To the east is the old Areoflex-Lintek property which I understand may have a new user; part of the plan for the new user to buy that land is the selling of the back part of that property to this current applicant and they will be redoing the detention area for this whole regional area basin. To the west is another self-storage facility that is more exterior accessible than interior like this one is. The access point is off of Village Park Drive. There's space for some parking and a turnaround area in case someone uses a panel truck to move in or out. The entrance is to the north and west side of the building. The building itself is a large box to hold stuff in. There is a recent trend of how storage is handled within the area. As technology increases, so does land uses. What they propose is a self-storage facility. It's all interior to the building and there are three levels that are accessed by an elevator inside.

The building itself is 35 feet to the roof. That meets our zoning code requirement. In a planned industrial district, 35 feet is the maximum height with two floors. It's not anticipated that the two floor/three floor

will be an issue. The box is still the same size of 35 feet tall and meeting the requirement. The other variance at issue is the setback issue to the north side. What they've done on the site is push the building to the extreme north. This allows for a fire lane to the south side and the building to be away from the apartments on Penny Lane. The apartments are supportive of this project because their tenants could use the storage. There's a lot of landscaping and buffering around the building beyond what our code requires, signage on the building, and a ground sign out front. The applicant is here to offer a short presentation. It has gone through P&Z and P&Z recommends approval.

Melanie Wollenberg, Brexton LLC, 815 Grandview Ave.: I see you have the packets and so I will be brief tonight. Dave did a good job summing up our project. I just want to add a couple of points. We worked really hard with Staff, P&Z and Chris Meyers. We counted about 15 changes to this project from the beginning. We did a sketch plan at P&Z, held two public hearing meetings at the Development Committee prior to unanimous approval.

This slide [indicating] was put together to show that there is not much view, or that it's not seen from Liberty St. or Seldom Seen Road. When the proposed buildings are built north of our facility, you won't be able see our building from Claridon either. That's an exact inlay of those proposed buildings. This height study that we were asked to do shows that our building really does fit within the context scale and height of Wolf Commerce Park. The neighboring community to our south has an existing tree row there that screens their view. Also our project faces the backs of those apartments – the garages face our project.

Our engineer, Steve Fox, Nikki Wildman from MS Consultants and Todd Faris from Faris Land Planning are all here to answer questions as well.

Steve and the City Engineer had conceptual understanding of how to handle the detention and water quality and we are executing on that understanding. We worked for the last four to five months with Chris and Staff with P&Z, made about 15 changes, and the product is beautiful and looks like an office building. Our height is actually 31 1/2 feet, excluding the parapets.

The additional landscaping we are putting not only on the south side, north and east side of the building, but the existing tree row and screening because we want to be sensitive to the neighbors to the south. These remaining slides show an elevation of that landscaping we are intending to plant on the south side of our building and the existing tree row ghosted in there. So this is the view the neighbors will have. We are doing that screening on the east side as well as the north side.

In closing, this is the new luxury storage as Dave pointed out. All operations are internal to the building. There's tremendous security. We use approximately 32 security cameras. All of the operations, including trash, is internal to the building, so it's very low noise, low traffic, and very low lighting or disturbance to the neighborhood. We really believe that, in addition to this being the right site, the positive tax revenue that is produced by this project with the little amount of City service utilization, wear and tear on roads, traffic, make this a good project to the citizens of Powell and a good service to them. I do have an economic study if you are interested in comparing this to a couple of other different uses. (Exhibit 3).

Councilman Hrivnak: Can you show me a little more about why there's no variance that includes the backset on the north side?

Mr. Betz: There is a 50 foot setback requirement on our Planned Industrial District. So we are meeting that to the south end and going to about 10 feet to the north end. The reason behind that is we looked at options for this fire lane to possibly even be to the north side or on the adjoining property owner. The adjoining property owner was not able to do that due to possible car dealership issues when they get to that, so we pushed the fire lane to the south side because wanting to have a buffer area is kind of pushing it up to the north. The setbacks are met for the front and east side.

Councilman Hrivnak: But on the north and south side setbacks, there's not enough....

Mr. Betz: Right. There's not enough room to put the building that they proposed.

Councilman Hrivnak: Why not just put a smaller building and keep the setbacks?

Ms. Wollenberg: There is a utility easement on the south side that we are also trying to avoid.

Councilman Bennehoof: What is the setback requirement on the north?

Mr. Betz: It's fifty feet, and it's currently at 10.

Ms. Wollenberg: We do have the full support of the north property owners and we are screening that north side as well. We really thought the placement of the building was best toward the north part of the site partly due to the utility easement, but also due to the neighbors to the south in trying to give them as much distance to the building as we could. These are built on a module so the economics of these are difficult with the land prices which is high. The economics are hard to meet if the building is smaller. So we've tried to address the size of the building through all of these architectural changes and breaking up the façade and screening it with landscaping.

With respect to the inside units, they are on a 5 by 5 grid. There are no drive-in units, no overhead doors, and no car or boat storage of any kind. These are all 5 by 5, 5 by 10, or 5 by 15 units. You would enter the office, there is a kiosk operation where you use a key fob that unlocks only your unit, and you can only get on the elevator to your floor. As I mentioned before, there are a lot of security cameras, so it is a highly secured facility.

Mr. Betz: Part of the issue is that there's the storm water control for the entire John D. Wolf Commerce Park on the east side and it comes down to the regional basin. What they've done is gone and acquired this back acre [indicating] in order to adjust how that storm water basin works so that all of this can become the regional storm water basin and that can be removed as the storm water basin and changed to this and be able to place the building in that location there. So that is another reason why we kept the building footprint the way it was and moved it up north. P&Z thought it was a good thing to do.

Mayor Lorenz: It is a prototype too. I just want to make a comment. We go through this all the time. This is planned industrial so there are no variances. So we need to quit calling them variances because what we are doing is writing the setback differences in the Zoning Code. Here, the applicant is just asking for relief from the set standards but she's writing those into the Zoning Code.

Mr. Kambo: I think the appropriate term is divergences.

Mayor Lorenz: How many other different facilities do you have?

Ms. Wollenberg: We have two that are built and up and if this one is approved, it would be six that we have opening next year.

Mayor Lorenz: I know you've been through the planning and zoning process. Have you had a lot of stakeholder engagement with the neighbors to the south?

Ms. Wollenberg: We reached out to the owner of apartment building, but heard nothing. We had three hearings before Planning & Zoning approved it.

Councilman Bennehoof: I have a question with respect to making it more rectangular. You're saying that it just won't work at all?

Mr. Betz: No due to the amount of room needed for that detention facility.

Councilman Bennehoof: The neighbor to the north is fine with it. What is the piece of green grass north and east of the north neighbor?

Mr. Betz: That's a place for another building that's similar to the one next to it. This plan is not fully implemented yet for this property. [Councilman Bennehoof: It's approved, but not...] Yes. The plan for

this property would have two similar buildings. You can see the path for the one here [indicating] and then another one like that here [indicating].

Councilman Bennehoof: So the tenants, as well as the owners, are okay with the divergence?

Ms. Wollenberg: We've not heard from any of the tenants of the apartments.

Councilman Bennehoof: The screen looks pretty good. Is the first floor submerged?

Ms. Wollenberg: No. It's at grade.

Mr. Betz: Regarding the apartments next door, the back of that apartment building face that way so there's a couple of areas where there's outdoor decks, but the windows that face the back are up high.

Councilman Bertone: How do you hide 88,000 square feet in the middle of the City? I think you guys have done a tremendous job trying to find a way to effectively do that. But from the multiple angles of view, you have done a great job of utilizing the site screen. It seems that you've worked well with P&Z and Staff to come up with a plan that makes some sense. It's big, but the breakup of the physical architecture outside, looks good.

Ms. Wollenberg: It was a team effort and Chris Meyers had a lot to do with that.

Councilman Newcomb: Does this facility have normal business hours?

Ms. Wollenberg: We are opened at our other facilities from 6 a.m. to 10 p.m. We probably will not open overnight simply because we do man these and we don't want a property manager getting calls at 1:00 a.m., so we will probably restrict the hours to something similar to that. There will be a person there that will maintain the property and handle trash internally and all that.

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

Ordinance 2016-57 was taken to a second reading.

FIRST READING: ORDINANCE 2016-61: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A PRE-ANNEXATION AGREEMENT WITH ROBERT L. SMITH AND JERRY L. SMITH, INDIVIDUAL LANDOWNERS OF 70+/- ACRES, TIMOTHY SHELLY, AN INDIVIDUAL LANDOWNER OF 38 +/- ACRES, AND PULTE HOMES OF OHIO, LLC, AND DECLARING AN EMERGENCY.

Mr. Lutz: This proposed annexation was discussed at last week's Development Committee. Dave will give a brief overview regarding the proposed annexation and development. This item did appear before the City's Planning & Zoning Commission last Wednesday night.

Mr. Betz: The corporate limits to the east of this site is Golf Village, Wildflower Drive and Village Club Drive. The boundaries of the City run along that line. This has a lot of continuity to our community and the proposed property owner, Pulte Homes, would like to develop a single family subdivision here and annex this property into the City for the development of it. As Steve said, we did have two sketch plan reviews with P&Z. The first one happened late last year with the Smith property and since that time, Pulte has acquired the rights to purchase the Shelly property to the west of Steitz Road. To the north are a couple of subdivisions within the township and to the north of this subdivision is the Reserve at Scioto Glen subdivision that is within the City.

The proposal has a mixture of lot sizes and at a density less than Golf Village. Golf Village runs at about 2.2 dwelling units an acre and this is far less than that. On the west side they are proposing a product that is new to the area. It is aimed at the empty-nester community on 70 foot lots, but they are high-end empty-nester type of patio homes. You have smaller lots, but you do have some additional large estate type lots to the south, two of which have access off of Steitz Road, and three of which having access off of a common access driveway. Sewer for this development is coming from the west through

the Scioto Reserve area. We are working with the applicant now and the Delaware County engineer traffic study addressing what kind of improvements [are needed] to Steitz Road as well as Rutherford and Home Roads based on this proposal.

Mr. Kambo: When you originally saw this, there was a number of small lots that existed on the south side that are now no longer there.

As for comments received at P&Z, we just heard that essentially Steitz Road was a concern for a lot of the residents in and around the area – which they wanted to see it either improved or better monitored by police because of the amount of speeding that is happening there. Also of interest was Hunter's Bend. There were some residents there that felt that there may be some additional traffic going up this way. P&Z ultimately stated that they don't see as many people going up Hunter's Bend as they would on this main area. Lastly, the other comment that was made was instead of having just the one exit/entrance here onto Steitz, could a roadway be added to Steitz Road as well.

Tom Hart, representing Pulte Homes: Here with me is Matt Callahan and Julie Mott of Pulte Homes. I think Dave and Rocky did a great job explaining the basics of our site plan and what we're trying to accomplish. The Pre-Annexation before you is standard Gene Hollins. It's the typical Pre-Annexation Agreement that the Council has considered and adopted in the past for these type of projects. It doesn't really approve anything. It gets us started in the full public hearing process for both a rezoning and annexation. What it does for us is allows us to run those processes somewhat concurrently. Annexation law in Ohio takes 5-6 months from a statutory timeframe basis, so it's a concurrency that allows everyone in the process through the public hearings to see what we are proposing, to look at the details, reserving the right of course for Council to have the last word both on the rezoning or development plan result coming out of P&Z, and then the annexation acceptance itself. Council has to approve both of those at the end of the process. Those are the basics of what we are trying to accomplish with the Pre-Annexation Agreement. If approved, we would file the Annexation Agreement and then file the formal rezoning application which provides a lot more detail and starts the trigger for the public hearing process.

Councilman Bennehoof: Hunters Bend north of your property – does it connect there? I see the tree line and I have a sense that it would not because of the tree line, but then there was a comment that people were concerned about traffic.

Mr. Kambo: It would connect. It's a stub road as of today.

Councilman Bennehoof: And I interpret the other end of it that it does connect. [Mr. Betz: Yes]. Is that a bike path or what is that?

Mr. Betz: Yeah. I didn't include it in the presentation, but there is a little sliver of land that's still owned by the association of property owners for Golf Village. The idea is to have a connection for the pathway to come from Wildflower and through the site, up and down Steitz, and around to the north end of this part and go into the sidewalk system to the north. That connects up to the Reserve at Scioto Glen and there will be a small public park at the Reserve at Scioto Glen and that will allow people to access that without having to get into the car.

Mr. Kambo: I think it's worth noting that in our Comprehensive Plan, we talk about strategic annexation. There's two main strategic reasons, in Staff's opinion, for this annexation: (1) the more control of land the better. We are able to plan it in accordance to what we want to see in the City; and (2) it helps complete our multi-use path in and around the City.

Mr. Betz: Alternatively to that pathway, the City would have to invest in a pathway along Home Road that reaches from the Reserve at Scioto Glen to Golf Village in order to make that connection happen. This way, that connection is happening over a period of time. There's probably going to be a 7-8 year build out to this. But still, it has the opportunity to present itself coming here [indicating] and through the site up there. On our master pathway plan, we have proposed a pathway along Home Road.

Councilman Bennehoof: I live on Village Club but I was unaware of that easement there.

On this one, I see blue or gray that I interpret as water, but then on the west side, it says open space in gray areas. And what sort of plans will you have in the green space?

Mr. Hart: There are two ponds on the west. One is central with some green space around it. As to the east side, we are working on the detail of that. We see how big an amenity the bike paths are in this community and really everywhere in Central Ohio. It's the number one amenity that our development produces for the public. There's an opportunity here to really connect green spaces with that bike path throughout because there's some unbelievable, beautiful oak trees there. These tree rows, which exists, we're keeping and really define the site and frame the different subdivision. They create really nice buffers and add a lot of privacy.

Matt Callahan, Pulte Homes: We're in the final stages of some of the detailed planning. In fact, we just had a meeting this past Friday looking at some of those details and we actually tasked our land planner with coming back with a few different ideas. That central park will certainly have some programmed type amenities, whether it's some type of play equipment or gazebo or picnic shelter or other type of features that are in concert with a pocket park and complimentary to the multi-use path system. Those are the type of details we will incorporate into the final plan.

Councilman Counts: At Development Committee, I asked about development fees and what the likely amount it would generate.

Mr. Betz: I will get that to you.

Councilman Counts: What is the density of the development on Home Road?

Mr. Callahan: I don't recall specifically off the top of my head. I know that site had some specific challenges and significant setbacks from Home Road and Liberty Street. I believe it was around a 1.5 per acre.

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

Ordinance 2016-61 was taken to a second reading.

RESOLUTION 2016-20: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION'S BRIDGE INSPECTION PROGRAM.

Mr. Lutz: At last week's Development Committee we talked about this in detail. The City of Powell is required to have inspection of our bridges, which can include, by definition, culverts. We have about a dozen of them within the City. We don't have bridge inspectors on staff, so we can contract that service out or, what Chris and John have identified, ODOT has a program which they make available to municipalities where they will conduct the bridge inspection program for us.

Mr. Moorehead: This is a requirement of the City to inspect any bridge which carries or crosses under a public roadway and that would be a span over 10 feet. This program is administered by the State of Ohio to give local municipalities an opportunity to get inspectors in and look at these bridges from a structural safety standpoint. They provide this free of charge as part of their requirements to get federal funding back to them. We have no obligation to ODOT other than letting them into our right-of-way and giving them permission to inspect these structures. In return, they will give us the inspection reports, notify us of any deficiencies in the structures, give load ratings to those structures as they are needed, and put our bridges into the database that serves the nation so we can identify where bridges are and what level maintenance they have. This is a three year program.

What we are asking now is to be placed into a 2017-2020 cycle with these inspections at which point it may or may not be renewed. One thing that was open after our Development Committee meeting was whether or not we would be accepted into the program because there a fixed pool of money for ODOT to bring in communities. In further communication with ODOT's staff, we would be accepted. Upon acceptance of this Resolution, the agreement is made and they take us into the system.

Councilman Hrivnak: John, just for the group, you mentioned in the Development Committee meeting that the reports come back to us but we're not obligated to act in any particular way on their reports, is that correct?

Mr. Moorehead: That's correct. We have full rule over what we do to our bridges. It's a recommendation in those reports and ODOT has no authority to make us do something.

Councilman Hrivnak: So they are providing the inspection at no charge and we do with the information what we so choose.

Mr. Moorehead: Correct.

Councilman Hrivnak: I will tell you that this did go Development Committee and comes with a recommendation for adoption.

Councilman Newcomb: On the exhibit, page 2-3, what are those numbers in there?

Mr. Moorehead: The tables? These represent the number of structures within each ODOT district or each contract district. So we would be on page 3 in the middle column. [Councilman Newcomb: District 5, 6, and 10?] Yes. That would be our ODOT district area and this is just showing you the different types of bridge structures on the left and in the column itself, the length of span for those structures.

Councilman Newcomb: On page 4, I see prices there – the price proposal due dates. What's that?

Mr. Moorehead: That is the estimated annual contract price that ODOT is portioning out to the four project areas around the state which include multiple ODOT districts. In our contract area, which is SP03, they have \$230,000 available for these consultants who perform the inspections. It isn't ODOT themselves, they hire consultants to come in and do the work.

Councilman Bennehoof: So ODOT contracts consultants that come in and if a bridge is found to be deficient, we may or may not do something about it, but I would imagine we would have a risk if there was a deficient bridge. If there are federal monies for the inspectors are there potential federal monies for the bridge repair?

Mr. Moorehead: Absolutely and those federal monies would only be available if we were inspecting the bridges, whether through ODOT or another party.

Mayor Lorenz: So John would it be fair to say the City's participation in this program would be a benefit because (a) it reduces an obligation from the Engineering Department and (b) it's a cost savings, and (c) if there is a deficiency it allows you to be considered for grant money?

Mr. Moorehead: Yes.

Councilman Swartwout: When this was presented in committee, this came across as a total win-win for the City. I think of the savings for what it does for the community. Staff should really be commended for finding out about this and pursuing this.

Mayor Lorenz opened this item to public comment.

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

MOTION: Councilman Bennehoof moved to adopt Resolution 2016-20. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

RESOLUTION 2016-21: A RESOLUTION TO ADOPT AND SUPPORT THE STORM WATER MANAGEMENT PLAN (SWMP) FOR THE MUNICIPALITY OF POWELL, OHIO AND FURTHER AUTHORIZING THE MUNICIPAL MANAGER TO CERTIFY THE SWMP.

Mr. Lutz: Since 1999, the City has been a part of a federal funded mandate which addresses storm water and how to try to keep it as clean as possible. As part of this unfunded mandate, we do have to have a storm water management plan. At last week's Development Committee, we had an extensive presentation regarding this plan. Chris and John will give a brief overview as to what was reviewed last week.

Chris Huber, City Engineer: EMH&T was in last week to do an overview of our current plan and history of the MPDS permit that we have had in the City since around 2000. We are on the third permit cycle. Every five years we update the plan, one for new regulations for the EPA and second is to make a more effective plan based on experiences we have had in the City doing some updates with social media or things like electronic newsletters - things that update our plan. It's not so much a completely new plan from the previous five years, I would just call this an embellished plan that we updated. So it will be very similar to our previous plan.

Councilman Hrivnak: It did go through Development at some length. I think we all understood the importance of the plan and it was recommended to be adopted.

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

MOTION: Councilman Bennehoof moved to adopt Resolution 2016-21. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2016-48: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016. - tabled from November 1, 2016.

Mr. Lutz: The City of Powell and Delaware County has joint jurisdiction in the area of North Liberty Street and Seldom Seen Road. That is an intersection which we are looking at making improvements in the future and will be applying for grant funding. The first step in this process is to engineer this project. The City and county went through a process to identify an engineer. Their expense is \$194,000. There may be some reimbursables and add-ons, so we are recommending the \$110,000 appropriation. What will be engineered is looking at a northbound Liberty Street turn lane onto Seldom Seen Road and a signalized intersection.

Councilman Bennehoof: Is the county driving us or are we driving the county on this?

Mr. Lutz: It's a joint project because it is in both of our jurisdictions. We both identified it as an area that needs work.

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

MOTION: Councilman Bennehoof moved to adopt Ordinance 2016-48. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2016-54: AN ORDINANCE AUTHORIZING AMENDMENT TO THE FEE SCHEDULE OF THE CITY OF POWELL.

Mr. Lutz: This item was reviewed and discussed by the Finance Committee before coming before Council. Each year, as part of the budget process, we take a look at our fee schedule and make changes or recommendations of changes as deemed appropriate. What we have done this year is have our Building Department take a comprehensive look at our building fees because they had not been updated for many years. Practicing the philosophy that new development should pay for itself, the majority of changes in the fee schedule are focused around the Building Department. They utilized Delaware County, City of Dublin, Worthington, and Columbus as some of our benchmarks.

Councilman Newcomb: This focuses on the Building Department. Are we going to take a look at Development fees?

Mr. Lutz: We have done that as part of our review process.

Debra Miller, Finance Director: We did some minor changes. I think the last time we did a major change was about 3-4 years ago. We will look at it again probably in the 2018-2019 budget.

Councilman Hrivnak: It was pretty well vetted in committee with the recommendation for approval.

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

MOTION: Councilman Bertone moved to adopt Ordinance 2016-54. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2016-52: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.

Ms. Miller: When we do the legal budget, we allow for some minor legal cases that go above and beyond our normal monthly legal attorney fees. We have exceeded that because we have two cases, on the same property, in two different courts. Part of those fees will be reimbursed by our risk management – the one that's in federal court – but the other one is being paid by the City. We've asked our risk management to allow Mr. Hollins' firm to do and get reimbursed so that both the consortium for our risk management and the City are not paying duplicative fees for the same hours of work. Because of that we are asking for an increase of \$40,000. Those expenses have started to come in. The first month and a half was about \$18,000 that the City has to pay. We will get reimbursed for about \$13,000 of that. We will encumber this \$40,000 and will carry it forward and when it's expired, then we will be somewhere in the 2017 budget and we will either (a) use a little bit of the 2017 budget that's for the excess fees or (b) we will come to Council if those cases are still ongoing.

Councilman Hrivnak: So that I understand, Debra, this \$40,000 is partially be going to be repaid to the City?

Ms. Miller: Yes.

Councilman Swartwout: On October 4th, we voted to appropriate an additional \$10,000 for legal fees. Now we have another \$40,000 appropriation. Is it possible, going forward, to get a more in-depth break down on where these fees are going? I know that we have ongoing cases, but I also know we are getting billed from counsel, so can we see an in-depth breakdown going forward?

Ms. Miller: I can do that. At that time [October 4th], we hadn't gotten our first bill for these cases and so the size of it was astonishing to me. I was basing the first appropriation on what had happened the first nine months of the year.

Councilman Bertone: If it's not too much to ask, with the \$10,000 and \$40,000, can we keep track of which ordinances are covering those expenses so we can keep track of what's being paid going forward?

Mr. Miller: I can.

Mayor Lorenz: What did we budget for this year in legal fees? Is it based on the contract with the City Attorney?

Ms. Miller: I believe it is approximately \$110,000-112,000. It goes into about \$72,000 for our City Attorney. We budget approximately \$10,000 for any of the Human Resources issues. Another \$5,000 for Bricker & Eckler for any of the financial things I do. And then another \$5,000 for court cases. Whatever is left is for the minor things that may come up, so we really don't budget much for the minor cases.

Mr. Lutz: I think that information that we provide you will be attorney-client privilege information and not for public dissemination.

Mayor Lorenz 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 2016-52. Councilman Bertone seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

MOTION: Councilman Bennehoof moved to adopt Ordinance 2016-52. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2016-53: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A COOPERATIVE PROJECT AGREEMENT WITH DELAWARE COUNTY FOR THE PURPOSE OF MAKING IMPROVEMENTS TO THE INTERSECTION OF LIBERTY ROAD AND SELDOM SEEN ROAD.

Mr. Lutz: A few minutes ago, we appropriated funds for this engineering between the City and the county. This is the agreement that puts together that agreement.

Mr. Hollins: It is a county standard contract. It may sound like we are agreeing to a bunch of further acts beyond engineering, but using their normal template, this one is only for the engineering portions of the project. Thus we will have some cost estimates and at that point in time we come back to Council for any further help with this.

Mayor Lorenz 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 2016-53. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2016-53. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2016-56: AN ORDINANCE TO AMEND SECTIONS 191.051 AND 191.091 OF THE CODIFIED ORDINANCES OF THE CITY TO UPDATE THE MUNICIPAL INCOME TAX CODE.

Mr. Lutz: As a result of changes to the state income tax laws, the City is required to modify sections of our ordinance. The Finance Committee has briefly discussed this matter. They did not request to actually review this legislation before coming before Council. Debra will discuss the changes tonight.

Ms. Miller: There are very few changes – only in two spots. One of the things that came out of the big total redo of the ordinance that we did last year were two things about the time stamp. It has been practiced over decades that if you got a postmark that this has always been counted as whether it was received or not. That was removed last year and they are now putting it back in because it should never have been taken out. The other thing that was changed was they changed the dates from the 15th to the last day. Our old ordinance was the last day. They made us go to the 15th, and now they realize they made a mistake and it's going back to the last day.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2016-56. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2016-56. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2016-58: AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS IN THE AMOUNT OF NOT TO EXCEED \$2,700,000 FOR THE PURPOSE OF CONSTRUCTING, IMPROVING, AND REPAIRING STREETS, ROADS, SEWER AND OTHER RELATED INFRASTRUCTURE IMPROVEMENTS; CONSTRUCTING, IMPROVING, AND REPAIRING MUNICIPAL PARKS, BIKE PATHS, AND OTHER PARK-RELATED INFRASTRUCTURE; CONSTRUCTING, IMPROVING, AND REPAIRING THE CITY'S PUBLIC SERVICE FACILITY, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; CONSTRUCTING AND IMPROVING GENERAL MUNICIPAL IMPROVEMENTS; AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

Mr. Lutz: This and the next ordinance were discussed by the Finance Committee. We are asking Council to pass both ordinances. This is for issuance of bonds and the next is for the issuances of notes. As we get closer to the issuance date and taking a look at what the markets are doing, we will make a decision as whether we do permanent financing with bonds or something more temporary with notes.

Ms. Miller: In January you approved the issuance of \$3 million dollars of notes. At that time the best financial way to finance it was notes because of the lower interest rate. As Steve mentioned, the market is starting to change so whether we roll to bonds or notes, we'll know closer to that, which is why we're asking for two issuances. We've collected enough payments from the property tax that is paying for this that we will be paying down \$300,000. So the \$3 million now becomes \$2.7 million. That is why you see a difference in the numbers. So whether we use notes or bonds, it would be at \$2.7 million.

We are doing this a little earlier. Last time we were really in a time crunch when we did it in January-February so we are trying to spread out so we are not so time crunched.

Councilman Hrivnak: Do we need to add an either/or provision to these ordinances so that we are not really authorizing both?

Mr. Hollins: I'm hesitant to take what bond counsel has prepared, that has to be reviewed....

Ms. Miller: It is physically impossible to do both because there's only one \$3 million note coming due in February. If I choose to do it in notes, there is not another \$3 million note coming due that I can now do it in a bond. I can only do one of them.

Councilman Bennehooft: The last time we discussed this, I believe you informed us that executing one and then having the other one lay fallow didn't have any legal...

Ms. Miller: It doesn't have anything because the \$3 million issue – there's only one of them because once I do one, the one is null and void. There is no possibility for us to act on both.

Mr. Hollins: Typically when you pass these, we have to seek Council approval just like a corporation would have to go the board. All that does is authorize the execution by various officers. It's not mandatory that they actually exercise anything, but that they have the authority just in case.

Councilman Counts: In the second "Whereas" clause, in both of them, there is reference to the \$3 million outstanding note. So you can't do the same thing twice.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2016-58. Councilman Bennehooft seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2016-58. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2016-59: AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$2,700,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING, IMPROVING, AND REPAIRING STREETS, ROADS, SEWER AND OTHER RELATED INFRASTRUCTURE

IMPROVEMENTS; CONSTRUCTING, IMPROVING, AND REPAIRING MUNICIPAL PARKS, BIKE PATHS, AND OTHER PARK-RELATED INFRASTRUCTURE; CONSTRUCTING, IMPROVING, AND REPAIRING THE CITY'S PUBLIC SERVICE FACILITY, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; CONSTRUCTING AND IMPROVING GENERAL MUNICIPAL IMPROVEMENTS; AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND APPROVING RELATED MATTERS.

Mr. Lutz: This coincides with last ordinance except this identifies notes.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2016-59. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2016-59. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2016-60: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2016.

Mr. Lutz: This matter was reviewed by Finance Committee earlier this year. The City funded seed money for Powell Festival in the amount of \$50,000. What the policy will be is the Powell Festival account will reimburse the general fund \$20,000 this year, \$20,000 next year, and they will take an in-kind \$10,000 write off for the generators which were purchased for the festival.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2016-60. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2016-60. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2016-62: 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, 2017.

Mr. Lutz: The City's budget process is comprehensive. The budget has been reviewed with the Finance Committee, Operations Committee and the Development Committee. Under our procedures for the budget, if we don't want to take the budget to a third reading, we have to get the changes made tonight so we can make those changes for the second reading, so we would appreciate any changes be made tonight so we can avoid a third reading.

One issue that has had quite a bit of discussion is the \$10,500 proposed funding for police body cameras. That is a policy decision. Chief Vest is here if you have further questions about that. We will very quickly go through this handout with you.

Mr. Lutz, Ms. Miller and Ms. Marquez reviewed the 2017 budget highlights to Council. [Exhibit 4, 2017 Budget Highlights]

Mayor Lorenz: Thanks for that presentation. Great job as always. Again, if Council would like to make changes, let's try to make those tonight. Our Committees have all reviewed this in great detail.

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

Ordinance 2016-62 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: Next Meeting: December 6, 2016, 6:30 p.m.

Finance Committee: Next Meeting: December 13, 2016, 7:00 p.m.

Operations Committee: Next Meeting: November 15, 2016, 6:30 p.m. We met tonight and discussed a variety of topics in an attempt to clean our agenda of pending items. Many of you were there, so I will not expound on the details.

ONE Community: Next Meeting: November 15, 2016, 6:30 p.m. We also met this evening. We reviewed future plans for the bike paths, activities, and perhaps approaching the zoo about accommodating bikes onsite at the end of that new bike path. We are in receipt of a tent, thank you Steve, and we are going to the printer with a back banner. We discussed the beautification project and drafted out what we are going to ask Terri to send to Delaware Area Career Center and the Columbus State Community College. She has expressed interest from both of them to have students develop some beautification project designs, we have identified the target areas, and we have helped draft that note. She's going to get that out before our next meeting. And we discussed changing the date and time of our future meetings so that I would be available for other meetings. That went well. We will be finalizing that soon.

Planning & Zoning Commission: Next Meeting: December 14, 2016, 7:00 p.m.

Powell CIC: Next Meeting: Next Meeting: November 30, 2016, 6:00 p.m.

Zoning & Building Code Update Diagnostic: Next Meeting: November 16, 2016, 6:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz: The City is out to bid on bike paths which include the City's and Township's North Liberty bike path and our Rutherford Road bike path. We are also out to bid for the Grace Drive and Olentangy Street signal.

It appears that we will be able to cancel the first Council meeting in January which is currently set on January 3rd. I know after the length of the recent meetings that will probably be well received.

OTHER COUNCIL MATTERS

Councilman Bennehoof: Tomorrow the Southern Delaware County EMS groups are getting together. I've asked Steve and Chief Vest to attend. There's a drive afoot in the county to take over all the EMS responsibilities and some of the EMS organizations want to have a discussion about how they are going to address or receive that direction.

Councilman Swartwout: Because there wasn't really a chance to address it on the agenda, I just wanted to briefly revisit the Keep Powell Moving resolution and my vote on it. I voted no because I would have liked to have seen a greater resolution of the Martin-Perry issue before we voted on it and I thought the chance for a public buy-in was better with a greater resolution of that issue; however, I am not opposed going forward. I am a proponent of the project. I am on board with the project moving forward since it's been passed, subject of course, to the detailed studies that are mentioned in that resolution. I just wanted to clarify that in case anyone thought I was opposed to the project.

Mayor Lorenz: I would like to thank Chief Vest for the Veterans Day ceremony. It was really great. We had a beautiful day and it was well attended and well represented.

I would also like to thank Dan. He and I got to partner and meet with one of the Boy Scout groups yesterday and talk about local government, so that was a lot of fun.

Councilman Bennehoof: They did a wonderful, thoughtful speech at the Veterans Day celebration. Exemplary. It was probably the best one I ever heard.

Mayor Lorenz: Thank you. That is always good to hear. I take these things very seriously and like to do my best.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH OHIO REV. CODE SECTION 121.22(G)(3), PENDING OR IMMINENT LITIGATION.

MOTION: Councilman Counts moved at 10:42 p.m. to adjourn into Executive Session in accordance with O.R.C.

Section 121.22 (G)(3), Pending or Imminent Litigation. Councilman Hrivnak seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Hrivnak moved at 11:00 p.m. to adjourn from Executive Session into Open Session. Councilman Newcomb seconded the motion.

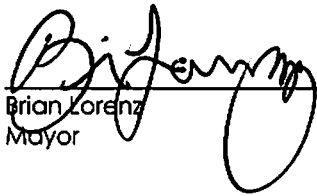
VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Bennehoof moved to adjourn the meeting at 11:00 p.m. Councilman Counts seconded the motion.

VOTE: Y 7 N 0

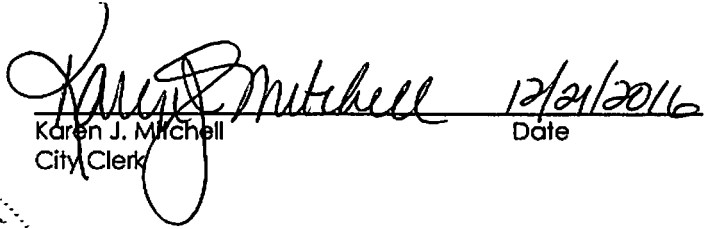
MINUTES APPROVED: December 6, 2016



Brian Lorenz
Mayor

12/20/16

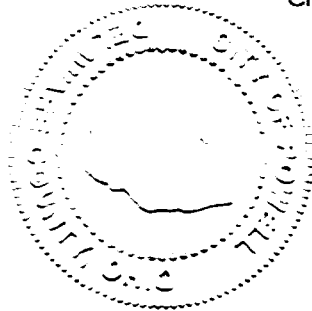
Date



Karen J. Mitchell
City Clerk

12/21/2016

Date



City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout