



City of Powell, Ohio
City Council

MEETING MINUTES

April 18, 2017

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, April 18, 2017 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; John Moorehead, Assistant City Engineer; Aaron Scott, Staff Engineer; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk, and interested parties.

OPEN SESSION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION

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

Eric Ochmanek, 100 Wallsend Ct.: I am the Deputy Chief of Staff at the State Treasurer's Office. I came here in two capacities: as a citizen of the City of Powell and from the State Treasurer's Office. I wanted to thank the Mayor, City Council and Staff. Recently Powell joined our ohiocheckbook.com initiative which posts local government spending online. If you went online to Powell.ohiocheckbook.com, the City's expenses can be viewed online and not only does this allow the citizens to become more engaged and more informed of what's going on here, but also for Council and Staff to show that tax dollars are spent wisely on various projects around the City.

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

PROCLAMATION & PRESENTATION – Shen Yun Production - Ying Yuan

Ms. Yuan, a resident of Powell, volunteers for an organization that hosts the Shen Yun Production each year. Ms. Yuan invited the residents to see the show on May 5-7, 2017 at Ohio Theatre in Columbus. Shen Yun translated means 'the beauty of dancing' and is a classic Chinese dance.

PROCLAMATION – PowerTalk 21 Day – Rachel Babich, Program Manager, MADD of Ohio

Ms. Babich, a resident of Powell, stated that coinciding with Alcohol Awareness Month, MADD started the Power of Parents Program by launching PowerTalk 21 to empower parents with information resources they need to help keep their children safe. Mayor Lorenz declared April 21, 2017 PowerTalk 21 Day in the City of Powell.

PROCLAMATION – Autism Awareness Month – Brian Lorenz, Mayor & Erin Budic, Liberty Tree Elementary

Mayor Lorenz introduced Erin Budic, ROOTS Squad (a service group) at Liberty Tree Elementary. Ms. Budic invited four students to read their essays about their experiences dealing with peers who have been living with autism and how these relationships have impacted their lives. Mayor Lorenz declared the month of April Autism Awareness Month in the City of Powell.

APPROVAL OF MINUTES – April 4, 2017

MOTION: Councilman Bennehoof moved to adopt the minutes of April 4, 2017. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, the minutes were approved.

CONSENT AGENDA

- | <u>Item</u> | <u>Action Requested</u> |
|--|------------------------------|
| <ul style="list-style-type: none">• Departmental Reports – <u>March 2017</u> | Receipt of Electronic Report |
| <ul style="list-style-type: none">• <u>RESOLUTION 2017-03</u>: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PEDESTRIAN PATHWAY AND RIGHT TURN DECELERATION LANE IMPROVEMENTS, A PART OF THE IMPROVEMENT PLAN OF SENIOR LIVING COMMUNITY, LOCATED AT 10351 SAWMILL PARKWAY, CONSTRUCTED BY S-K-POWELL OWNER, LLC. AND APPROVED ON APRIL 15, 2015. | Adoption |
| <ul style="list-style-type: none">• <u>RESOLUTION 2017-04</u>: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENT OF A TRAFFIC SIGNAL, A PART OF THE IMPROVEMENTS PLAN OF GANZHORN SUITES, LOCATED AT 10272 SAWMILL PARKWAY, CONSTRUCTED BY GANZHORN REAL ESTATE OF POWELL, LLC, AND APPROVED ON FEBRUARY 12, 2015. | |
| <ul style="list-style-type: none">• <u>RESOLUTION 2017-05</u>: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENT OF A SIDEWALK, A PART OF THE IMPROVEMENTS PLAN OF 75 LINCOLN STREET CONSTRUCTED BY ELITE LAND TITLE AND APPROVED ON OCTOBER 1, 2015. | |
| <ul style="list-style-type: none">• <u>RESOLUTION 2017-06</u>: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENT OF A SIDEWALK, A PART OF THE IMPROVEMENTS PLAN OF WESBANCO, LOCATED AT 10716 SAWMILL PARKWAY, CONSTRUCTED BY WESBANCO AND APPROVED ON APRIL 24, 2015. | |
| <ul style="list-style-type: none">• <u>RESOLUTION 2017-07</u>: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENT OF A SIDEWALK, A PART OF THE IMPROVEMENTS PLAN OF TIRE DISCOUNTERS, LOCATED AT 10732 SAWMILL PARKWAY, CONSTRUCTED BY SLATE RIDGE HOLDINGS LLC AND APPROVED ON SEPTEMBER 12, 2014. | |
| <ul style="list-style-type: none">• <u>RESOLUTION 2017-08</u>: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED, MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR THE PUBLIC IMPROVEMENTS, A PART OF THE GERMAIN COLLISION CENTER IMPROVEMENT PLANS, LOCATED AT 354 W. OLENTANGY STREET, CONSTRUCTED BY GERMAIN COLLISION CENTER AND APPROVED ON JANUARY 13, 2016. | |

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

RESOLUTION 2017-09: A RESOLUTION DETERMINING THE NECESSITY TO REPAIR OR REPLACE SIDEWALKS IN THE CITY OF POWELL. (EX. A)

Steve Lutz, City Manager: Pursuant to City Ordinances, this resolution will be read tonight and at the first Council meeting in May. This resolution pertains to our annual sidewalk repair program. Each year we have a designated area of town where the City inspects sidewalks. Tonight's list includes those sidewalks which are out of compliance and need to be repaired pursuant to our Ordinances. Residents have the options of either repairing the sidewalk themselves or having the City do it, in which case, the City would bill the resident for payment or the resident can choose to have an assessment on their property and spread the payment out over five years. Tonight is the first opportunity for residents to voice any concerns about the notice they received. We can then revisit their sidewalk, take a look at it, and report back to Council at your next meeting.

I would like to introduce Assistant City Engineer, John Moorehead who is here tonight and John will introduce our new Staff Engineer who was hired just a few weeks ago.

John Moorehead, Assistant City Engineer: This is the resolution to enact the repairs to our sidewalks. The 2016 sidewalk program was added to 2017 sidewalk program. As you may recall, last year we didn't award a contract because the bids were too high. This year we focused on the Briar bend area and flagged any sidewalks that deviated from our compliance measurements and added it to last year's program. We hope that this year by increasing the size of the program and by getting our bid out a little bit sooner, we will get better bids that are less expensive and pass those savings on to the residents. Last year's program came in around \$50,000, or \$20 per square foot of sidewalk. Historically, we've seen about \$12 per square foot here in our bids. We think that the past few years of an active construction season, both in the City and outside, have escalated prices, so we have estimated slightly higher prices this year. The letters residents received in this year's program reflect that, so there may be an increase assessed to the project. The letters were mailed on April 4th. After the forty-five day opt-out period, we anticipate bidding this year's program around the second week of June.

Aaron Scott is our new Staff Engineer. As Steve mentioned, he's only been with us for a few weeks now, but he's been avidly reading Chapter 905 of the City Code and will be overseeing this year's sidewalk program so any resident issues will be dealt with by Aaron.

Aaron Scott, Staff Engineer: I came from Champaign County and had been there for about 10 months. This is my third week with the City of Powell, so I am catching up on the program, but I think I am caught up enough to answer any questions you may have.

Councilman Newcomb: The number at the end [of the exhibit], \$3,612 City of Powell Repairs, what does that constitute?

Mr. Moorehead: That covers ramps and intersection improvements. That would be square footage.

Councilman Newcomb: In these designated areas or outside of these...?

Mr. Moorehead: Within the areas.

Councilman Newcomb: When the City sets aside \$10,000, is that for downtown pavers only or is that \$10,000 towards this program?

Mr. Lutz: Those are for the downtown paver repairs for the brick pavers which the City maintains.

Councilman Hrivnak: John, did you guys do the citywide larger specifications?

Mr. Moorehead: Yes, we did. There is a secondary area. Each year the staff engineers ride a bicycle or golf cart over all the City sidewalks. We look for vertical separations over 2 inches – so a large drop in sidewalk that is deemed to be an immediate need to be repaired or replaced. Those get added into this program. We don't have many of them, but there are a couple that were discovered.

I would remind any residents that Aaron and I are available to answer any questions about this program or meet them at their property if they would like have an in-person discussion.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comments and opened the floor for comments and questions from Council.

Councilman Newcomb: I did a little bit of research on this and for the sidewalk repair we are placing the burden on the residents. I looked at some other cities in Central Ohio: Columbus, Westerville, Bexley, Hilliard, and Upper Arlington, and if the deviation in the sidewalk is due to a tree, then the municipality pays for it. Dublin has a similar ordinance to ours, then they set aside \$50,000 to fix the sidewalks. The only cities I found like us are Grove City and Worthington. I think at some point we should really take over responsibility for the sidewalks. They are a public asset. I don't think they should be funded

privately. Like the road, if there was a pothole, the City would fix the pothole. If there's a problem with the sidewalk, I think the City should fix the sidewalk. Especially if the repair is caused by trees.

Resolution 2017-09 was taken to a second reading.

RESOLUTION 2017-10: A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR THE STATE OF OHIO NATUREWORKS PROGRAM FOR FINANCIAL ASSISTANCE. ([EX. A](#))

Mr. Lutz: This resolution is required by the state if we want to apply for the State of Ohio Natureworks Grant Program. Staff is prepared to submit a funding request on behalf of the City in the amount of \$26,186.00. What we would apply for would be for the natural playground of Seldom Seen Park. How this grant works is one agency per county is awarded this grant each year. Delaware County is allotted \$26,186.00 and we would like to request that funding.

Mayor Lorenz: So the amount that we are requesting is the total available amount? The funding seems disproportional from county to county.

Mr. Lutz: Yes, that is what is allocated to the county. The state will award one agency the full amount. I assume the amount is based on population.

Mayor Lorenz opened this item to public comment. Hearing none, he closed public comments and opened the floor for comments and questions from Council.

MOTION: Councilman Counts moved to adopt Resolution 2017-10. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2017-12: AN ORDINANCE ACCEPTING THE ANNEXATION OF 108.851 ACRES, MORE OR LESS, FROM LIBERTY TOWNSHIP TO THE CITY OF POWELL. ([EX. A](#))

Mr. Lutz: This proposed annexation is associated with a proposed development by Pulte Homes of 183 units on both sides of Steitz Road near Hunters Bend. I would recommend that you also at this time consider the next ordinance. Pulte Homes is here tonight to address some of the issues that were raised by Council at your last meeting.

Tom Hart, Esq., Attorney for Pulte Homes: I'm also here with Matt Callahan and Julie Mott of Pulte Homes and Greg Chillog, our landscape architect from the Edge Group. We prepared tonight to address the three items that Council seemed to focus on the most at the last meeting. We were asked to produce a better exhibit showing our path/sidewalk system which we have done. We also put together a little presentation that I think is in your packet that shows a documentation of demographic information – market information that we think qualifies the empty-nester product demand in the City as well as the area in general. And then we also put together some specific Powell information from both census data and the Comprehensive Plan. Finally, we did some extra homework – and so did Dave [Betz, Development Director] and Chris Huber [City Engineer] - on the Rutherford & Steitz Roads intersection and analysis and we have some updated information on that as well.

On the new exhibit we broke down the 10 foot regional paths that are generally yellow. Our 8 foot site paths are red and our sidewalks are shown in blue. What we tried to do is give you a little more extensive detailing of all the connections, including to the other communities and through Golf Village and then up into Liberty Village. I am happy to answer any questions on that or any other follow up.

Councilman Newcomb: I visited Celtic Crossing and I saw they are adding a pedestrian crossing there across Hyland-Croy. Was there any thought of doing that here on Steitz from the entrance to entrance from Section B to Section C?

Mr. Hart: We would have that expectation to what is termed as safe crossing. That is something we would work with the City Engineer when we go through final engineering and in conjunction with the road widening. I do have an exhibit that shows what one of those would look like. ([Exhibit 1](#)) In the

end, the City Engineer has the final say in what we produce and create. But this is the type of state crossing that is generally being accepted in terms of performing that task and making sure that there is that ability to get across the intersection safely.

Mayor Lorenz: So this is complementary to what we spoke about offline and I think this would be great if it were supported by the engineers. This is probably comparable to what is by Verona going across SR 750. Or over off of Orange Road over by Orange Township.

Mr. Hart: I'm not familiar with those, but we do see them more and more. I think we've also done one in Hilliard between a park and a new community on a road that's 55 mph. They are effective and state-of-the-art.

Mayor Lorenz: Just to clarify that, when we spoke and we talked about it at our last hearing, you've spent time with the Hunters Bend folks and were willing to commit to a road tie-in that's suitable to all parties. I think it was called the bottle-neck.

Mr. Hart: The wine-bottle.

Mayor Lorenz: Yes, it slows down the traffic and does what it is supposed to do. We've gotten positive feedback on that and Pulte's okay doing that still, correct? [Mr. Hart: Yes.] You guys are willing to commit to work with the person who's affected by the pedestrian walkway running adjacent to his yard by providing some additional tree screening there. [Mr. Hart: Yes.]

Mr. Hart: There's a lot of data we put together that qualifies the number of 55 year olds in both a five and ten mile radius and the household income of those 55 year olds in that same radii. We also took a look at what type of housing those folks are moving from, what they are selling when they move, the size and amenities of those type of homes; and then we also looked at the homes that have been produced over the last 10 years and all homes in comparison that have a first floor master because that is how we define an empty-nester product. When empty-nesters buy that is probably the main thing that they are looking for – that first floor living. We put together some data and it's on one of those sheets in your packet.

In addition, we looked at basic census data that comes from your Comprehensive Plan and the Delaware County RPC who does a really good job of following that census data for every municipality and township in Delaware County. The big points coming out of that review is this community has about 83% traditional single family homes today. When you add rental properties that are also traditional single family homes but are rented, we think your market penetration of traditional single family housing is about 85% or more. Adding empty-nesters is a good way to balance that over time and get a better market mix in terms of product availability.

The other thing that comes out in the census data and your Comprehensive Plan is the total population of Powell is about 36% of people over 45+ years old and up. When you look at 55+ and up, it's about 21%. So the majority of that 36% is actually 55 years old or older. That population segment is growing. That's really matched by the regional analysis and I would say in a nutshell that those are the basic data points that we looked at.

I wanted to briefly go over the Rutherford/Steitz intersection because we did a little more review of that. After the last hearing, Dave again contacted the Delaware County Engineer's Office. I would characterize the response to be very similar to what was said before. With the traffic study we did up front, P&Z had the same type of concerns and Staff reached out to the county at that time and the county responded. Then the county responded again yesterday. Basically they reiterated the results of our study that it was not warranted for a signal or any improvements to that intersection under the traffic study we did and the technical standards. They did reiterate that they had done a speed study at the end of 2016 and the study found 85% of folks are going under 51 mph. Under that finding, it doesn't require them to lower speed. Their review also found, in terms of accident analysis going back four years, they found four accidents had occurred over that time. Two of those were single car accidents – failure to control and an animal impact. There were no injuries from those four accidents. In their last email, they articulated Ohio law that says developers are responsible for the impact on road

system that their development creates both onsite and offsite. In this case, there's not a change in the functionality of that intersection. Chris Huber asked us to take the analysis one step further to make sure. We asked our traffic engineer, Todd Stanhope, to do a little more capacity analysis review of the intersection itself. I think of it as an additional review of the through-put of how many cars and how cars are getting through that intersection in all directions. Todd concluded the level of service at that intersection is today a "B" rated intersection. With our addition of Carpenter's Mill traffic, fully built out, that rating doesn't change. From a traffic engineering standpoint, our development will not impact the functionality of that intersection.

Mayor Lorenz: In our last meeting, you discussed that the traffic study also incorporated that lightly shaded green area to the south. You can confirm that the county engineer asked you to incorporate development constraints on that property as well because sooner or later that will develop too?

Mr. Hart: Yes. That was one of the conservative assumptions in the study originally. It's the Miller property and I think the assumption was at full density, full build out. We counted that in our traffic study as impacting north-south, 61%/39%.

Mayor Lorenz opened this item to public comment. Hearing none, he closed the public comment session and opened the floor for comments and questions from Council.

MOTION: Councilman Counts moved to adopt Ordinance 2017-12. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

SECOND READING: ORDINANCE 2017-13: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR PULTE HOMES OF OHIO LLC FOR A PROPOSAL TO CONSTRUCT A RESIDENTIAL SUBDIVISION CONSISTING OF 183 UNITS ON APPROXIMATELY 108.851 ACRES, LOCATED ON BOTH SIDES OF STEITZ ROAD NEAR HUNTERS BEND, AND AMENDING THE ZONING MAP AMENDMENT TO PR, PLANNED RESIDENCE DISTRICT PENDING ANNEXATION TO THE CITY OF POWELL. ([EX. A](#)) ([Presentation](#))

Mr. Lutz: I have nothing further to add.

Mayor Lorenz opened this item to public comment. Hearing none, he closed the public comment session and opened the floor for comments and questions from Council.

MOTION: Councilman Counts moved to adopt Ordinance 2017-13. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: May 2, 2017, 6:30 p.m.

Finance Committee: Next Meeting: May 9, 2017, 7:00 p.m. We met last week and we focused on two major things. We had a presentation by the Delaware County Emergency Management Agency and they are attempting to reconfigure how they are funded. As one of the constituents of that group, we will have an opportunity to weigh in on that agreement that they have. We will probably be hearing more about that in the future at Council. Then we spent quite a bit of time talking about capital improvement funding. I think we made progress in that meeting and we will continue with that discussion.

Operations Committee: Next Meeting: April 18, 2017, 6:30 p.m. We met this evening and we discussed a variety of topics including road salt, Lechler Building, etc. Primarily we discussed age 21 tobacco/nicotine restrictions.

ONE Community: Next Meeting: May 8, 2017, 4:30 p.m. We met last week. We did not have the benefit of our beautification project manager in attendance so we were not able to advance that; however, we do have sponsors for the tent signage that we are going to be putting up at different events. We discussed some of the schedule. We will be present at the bike ride for the Y, at the street market, and the farmer's market. We advanced since then the design, met with the graphics designer for the layout of the windscreen and that will be finalized in the near future, probably before our next committee meeting.

Planning & Zoning Commission: Next Meeting: April 26, 2017, 7:00 p.m. Cardinal Self-Storage is looking at buying the existing Powell Road self-storage, taking out the camper and vehicle parking, and placing buildings where the parking is, filling in the site.

Powell CIC: Next Meeting: TBD

Zoning & Building Code Update Diagnostic: Next Meeting: April 25, 2017, 6:00 p.m.

CITY MANAGER'S REPORT

1. Included in your packet was an update regarding the Adventure Park pedestrian tunnel under the CSX railroad tracks. A few months ago we had to close that tunnel because of crumbling, cemented concrete in the tunnel. We have done some work to determine the structural integrity which appears to be fine. We have been approved by CSX Railroad to begin to prepare a scope of repair to that tunnel. We will proceed with that for a cost of \$330. Once that's done, it will be submitted to CSX for approval and we will have a cost estimate then where we can look at going out to bid to repair the tunnel.
2. The City of Columbus will be closing the Glick Road Bridge for 3 weeks, from June 5th through July 14th, to repair that road.

OTHER COUNCIL MATTERS

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22 (G)(1) PERSONNEL MATTERS – BOARD & COMMITTEE APPOINTMENTS AND 121.22(G)(3) IMMINENT OR PENDING LITIGATION.

MOTION: Councilman Bennehoof moved at 8:37 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22 (G)(2), Purchase of Property for Public Purposes (Land Acquisition) and 121.22(G)(3) Imminent or Pending Litigation. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0


MOTION: Councilman Counts moved at 10:00 p.m. to adjourn from Executive Session into Open Session. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Bertone moved to adjourn the meeting at 10:00 p.m. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: May 2, 2017


Brian Lorenz
Mayor

5/4/17

Date


Karen J. Mitchell
City Clerk

5/5/2017
Date



City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout