



City of Powell, Ohio
City Council

MEETING MINUTES

June 6, 2017

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, June 6, 2017 at 7:35 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Tom Counts, Jim Hrivnak, Mayor Brian Lorenz, Brendan Newcomb, and Daniel Swartwout. Also present were Steve Lutz, City Manager; Eugene L. Hollins, Law Director; Dave Betz, Development Director; Debra Miller, Finance Director; Megan Canavan, Communications Director; Chris Huber, City Engineer; Aaron Scott, Staff Engineer; 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.

Tom Happensack, 127 Kellys Court: I'm here to bring awareness to an issue with Ordinance 2016-44 that was enacted. It is my submission that this ordinance was passed in violation of the current zoning codes of Powell. (Reads written remarks, see [Exhibit 1](#)).

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

PROCLAMATION: Irene Dozier Day on June 6, 2017 - Mayor Lorenz presented a proclamation to the grandniece of long-time resident, Irene Dozier, who turned 100 years old today.

PRESENTATION: Memorial Day celebration video – Megan Canavan, Communications Director – Ms. Canavan directed Council to review the Memorial Day celebration video on the City's website.

PRESENTATION: District 67 Updates - Andrew Brenner, Ohio House of Representatives

Representative Brenner first offered a commendation for the Powell Police Department for being presented with a meritorious advanced accreditation for law enforcement with excellence award by the Commission on Accreditation for Law Enforcement Agencies.

Representative Brenner then updated Council on current issues pending in the House, including:

- House Budget issues.
- Delaware Area Career Center construction issues due to a ballot error in 2015.
- Attempts to raise school funding caps.

APPROVAL OF MINUTES – May 16, 2017

MOTION: Councilman Hrivnak moved to adopt the minutes of May 16, 2017. Councilman Bertone seconded the motion. Councilman Bennehoof abstained. By unanimous consent of the remaining members of Council, the minutes were approved.

RESOLUTION 2017-12: A RESOLUTION APPROVING THE ADMISSION OF ONE NEW MEMBER TO THE CENTRAL OHIO RISK MANAGEMENT ASSOCIATION SELF-INSURANCE POOL (CORMA).

Steve Lutz, City Manager: The City of Powell is a member of the Central Ohio Risk Management Association self-insurance pool as our insurance carrier. They also provide insurance to numerous

municipalities around Central Ohio. The pool is going to be welcoming a new member: The City of Grandview Heights and, under the bylaws of CORMA, the communities have to accept them into the pool. We recommend to do so.

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

MOTION: Councilman Counts moved to adopt Resolution 2017-12. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members of Council, Resolution 2017-12 was approved.

RESOLUTION 2017-13: A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED WAY OF DELAWARE COUNTY FOR THE INSTALLATION, PROMOTION AND MAINTENANCE OF BORN LEARNING TRAILS.

Mr. Lutz: This matter was discussed and recommended by the City's Operations Committee. The United Way of Delaware County has approached the City to partner with them to create a Born Learning Trail in our parks. This encompasses the installation of some signs along a pathway and each sign has children's activities listed on them. This is supported by the City's Parks & Rec Department.

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

MOTION: Councilman Counts moved to adopt Resolution 2017-13. Councilman Bertone seconded the motion. By unanimous consent of the remaining members of Council, Resolution 2017-13 was approved.

SECOND READING: ORDINANCE 2017-14: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR HARPER'S POINTE FOR THE DEVELOPMENT OF 47 SINGLE-FAMILY FEE-SIMPLE PATIO HOMES ON 8.75 ACRES AT 2470 WEST POWELL ROAD.

Mr. Lutz: Tonight is the second reading of this proposed development. Extensive review and discussion was held at our last Council meeting. Development Director, Dave Betz, will give a brief review regarding this proposed development.

Dave Betz, Development Director: Staff does not have a whole lot to add to what we presented at the last meeting. Briefly, the proposal is for 47 single family homes. They will be fee simple homes. The plan that came before P&Z showed two options. The option chosen included the one where the road could possibly go through to Grace Drive from Beech Ridge Drive. The plan shows a lot of landscaping and buffering which will be included. This is a transition from the older part of town, which includes the Powell Center next door, to the newer part of town with single family homes. It was zoned into the Downtown Residence District. We went through the divergences in the plan at the last meeting. Because this proposed community is a private, gated community, it was felt that the divergences were okay in terms of lot sizes and slightly smaller lot depths. However, the building separations will be the same as what's within the Code.

A lot of work went into the initial design of the buildings which the developer has a short presentation to make to talk about that more fully.

Len Pivar, Arlington Homes, 3964 N. Hampton Drive, Applicant: I appreciate the opportunity to present this to you this evening. With me tonight is my business partner, Chris Schnetzler, Todd Faris, our land planner, Keith Hake, our building designer, and Joe Miller, Esq. We are all here this evening to answer any questions you might have.

I wasn't planning on reiterating everything we discussed at our last meeting, but we wanted to present our streetscapes and the new elevations on the homes.

Mayor Lorenz opened this item to public comment. He further advised the audience to keep comments germane to the final development plan at issue, and not to ancillary matters, including lawsuits, or he would cut short the conversation.

Further, the Mayor advised that, while all are welcome to speak, previous comments pertaining to this matter are on the record, so it wasn't necessary to repeat them again tonight. There were also some emails relating to this matter which Council has a copy of.

Chuck Johnson, 283 Penny Lane: (Reads written remarks. See Exhibit 2).

Suzanne Jacobs, 10623 Pembroke Place: I have enjoyed coming and watching this process over these many months. I have gotten to see our government in action. I'm hoping this is the last meeting I have to come to relating to this project.

We are talking about over \$23 million dollars of taxable residential houses. If we average 47 houses times half a million dollars, that's taxable income going into our schools. We will have 94 adults walking around Powell, spending their money and utilizing the businesses.

I spent hours recently talking to businesses in Powell and all of them were very excited about this because they see this as growth for them. It amazes me that a few people are holding us hostage and I don't understand their goal. The businesses we owe our loyalty to want this project. They want Powell to grow and I think it is something we need to do. It is our responsibility as a city to support the businesses that are here and to grow. If people don't want this town to grow, they probably should move to the country because growth is inevitable. This is going to be a great piece for Powell.

Leif Carlson, 178 Beech Ridge Drive: I am the president of Olentangy Ridge. The only thing I have had a concern with since the first go-around that was voted down was the road that's going to get punched out to Grace Drive. This project will be a great failure if that road isn't there. We don't want the traffic through Olentangy Ridge. We've stated that before. It is important for us to have the road go through and it still seems up in the air. I don't know if you have a buy off with the retail establishment to sell the property to the City to punch the road through. I like that it's positioned to have the cut-through road in mind, but it's not a finished product until that road goes through because that's the only way that allotment has out besides cutting through the neighborhood. That was one of the deals we reached with the developer. I hope you guys finish that part of the deal. We want the road to Grace. I would love to see a jug handle there controlling the traffic pattern in, keep our entrance island, and we would like to keep the character of our neighborhood while working with the development.

Larry Coolidge, 78 W Olentangy Street: I came to Powell when I was 14 years old and I've seen a lot happen between then and now, including good things that didn't go through and bad things that did. This is one that should go through. There's a need for it in the community. It's a trend that's growing all over the nation where you have this type of housing for people. It's a win-win for our schools and community. I don't see it as being a burden on traffic. Something is going to go in there and you have to look up and down that scale and decide where you want to be. If the target owners are over 55 years old and retired, they are not going to be going to work at 7:00 a.m., but waiting until after rush hour to do their business. It's a nice looking project. I've seen the drawings. I think it will be an asset to this community.

Pat Kijewski, 9030 Francine Lane: I hope this is the last time you guys will see me. For some this development project has been a matter of months, but for my family it has been over three years. We are very eager to see Mr. Pivar's designs go through. It's changed a lot since we were first involved and only for the good. It will be an enhancement to Powell. I checked the real estate section every Sunday for my own amusement and this type of housing for seniors are hard to keep in stock. The units at the Epcon development on Seldom Seen Road were gone before it was all the way built. There is another Epcon development on the other side of the street near Liberty Road and Seldom Seen that are all purchased. [Mr. Pivar's] development is even nicer than Epcon in scale, production and appearance.

I'm done casting aspersions because I think the people against this development have shown their true colors at Council and every place else they could bother to do so. I hope Council has thought wisely about this.

Scott Duckworth, 109 Beech Ridge: Assuming this is approved tonight, what is the time line? What happens next? When is ground broken and the building start, things along that line? No detail is too small.

Brian Ebersole, 215 Squires Court: As you know, this community voted not to build this project in 2015. Why are you even considering overturning this vote even if you could? Isn't the right course of action to respect the voters in this community? Otherwise our vote just doesn't count and we are living in a dictatorship.

I explained this at the last meeting, but maybe I can be a little bit more clear. The Ohio Supreme Court said that City Council couldn't place Ordinance 2016-44 on the ballot so they didn't rule on whether it was a re-enactment because they said it wasn't a ballot issue. They did say that a re-enactment... [Mayor Lorenz: Brian, do you have comments on the plan specifically? I already said that we are not going to address lawsuits. We are talking about....] Brian, I have a First Amendment right to speak about an issue that is very important to this ordinance. I'd appreciate it if you didn't try to put a gag on me. So, like I said, if you approve this, it will be a void ordinance. Therefore, as the Supreme Court said, it could be challenged in the Delaware County Court.

That same reasoning would apply to this ordinance that we are looking at right now. Approving the same ordinance as [Ordinance] 2015-18, which we voted down in 2015, with the only difference being a fee simple structure instead of a condo association, is re-enacting Ordinance 2015-18 in whole or in part. How could a judge say anything different? How could anyone say anything different than this is a re-enactment of the previous ordinance? In fact you obviously must realize I collaborate with lawyers on a regular basis regarding the issues we have going on here in Powell and none of them can figure out how anyone would defend that this is not a re-enactment. So, you have a duty to reject this as void because it is a re-enactment. If not, we are just going to have to go to Delaware County and have someone tell you what is obvious as day: that this is a re-enactment of the previous ordinance.

And even further, you have a duty to the people of this community to not to overturn our vote. I mean that is beyond, just ridiculous, to overturn our vote. Does that not mean anything to any of you?

Joe R. Miller, Esq., Attorney for Applicant: Mr. Ebersole took each of those arguments to the Supreme Court of Ohio and lost every single one unanimously. Mr. Happensack's comments earlier tonight are without merit. I know you don't wish to hear about litigation, but I will tell you that this Council has been validated and acted correctly last year in rezoning this property and you have before you tonight an administrative action with great support from the community. I urge you on behalf of the Applicant to do the right thing yet again this evening.

Tom Happensack, 127 Kellys Court: I have some questions. I know you won't answer them, but I'm going to throw them out there and, hopefully, somebody answers them. I'd like to know specifically what the zoning variances were. I think there were two of them.

Second question I have is that the application states that the maximum lot size/coverage is 56 per Code, but then it goes on to say that as this is a homeowners' association or homes association with common open space, the lot coverage is calculated over the entire 8.74 acres. Where's it spelled out in our City Code or is it a state code? I'd just like that for the record. It's not spoken to inside, there's no support for that. If two is appropriate, then why isn't there documentation of this homes association attached to the ordinance much like the condominium association was attached last year?

Another [requirement] of the Code is that the minimum lot size is 5,000 square feet with a 50 and a depth of 100. I think that's one of the variances, but I'd like that talked about. What's the maximum proposed height to the house? The DRD Code limits this to 35 feet. I don't think that's been talked about at all. It's not addressed in his proposal.

How will the landscape plan be enforced in the fee simple structure? What stops the owner from requesting a different landscape and the builder doing it? Or removing landscape once it's there?

So, in my remaining time, I'd just like to go through...because as what Brian [Ebersole] said, this is clearly a duplication. I've compared the rejected plan to current final development plan. Exhibit C of the final development plan and phasing opportunity is exactly like the rejected ordinance. The only difference, down to the absolute details of measurements, is the date. Exhibit D. The tree survey and landscape, D1-D5, the current plan and the rejected plan are exactly identical and actually have the exact same date on them. Exhibit E. Exhibit E1-E7 of the current plan and the rejected plan are exactly the same and have the exact same date on them. Exhibit F, the architectural plans and elevations are somewhat different. I did note that they did have three floor plans and 10 elevations. A couple of those elevations would not fit on those floor plans. And finally, Exhibit G in the proposal. Light plans and light fixtures. The current and rejected plans are exactly identical with the same dates of preparation in 2013. It's a little hard for anyone to get up here and try to claim that this is different. There is one difference in this measure: Fee simple period. Everything else is exactly the same: the road's back in, the 48th house is gone, the picture's exactly the same guys.

Then when you add it to the measure you passed for zoning, which I claim is done illegally to begin with, that only had one change. We started out with four differences. Now we are down to two differences in the combined measures. Two of those differences were taken out by P&Z. The City took them out. The City did the work for the developer, and actually made it less different. And on the zoning ordinance, it was the City that suggested putting it in the Downtown Residential. He applied for the same district that he asked for before.

Look, I understand that people want the project. I can't sit here and tell you that it's not a decent project. That's not the point. The point is the people voted. There was a vote. The people voted against it and for anybody to override that with these plans being so similar, is just hard to even explain. I don't even know what your explanation is going to be.

Hearing nothing further, the mayor closed public comment and opened the floor for comments and questions from Council.

Mayor Lorenz: We had a couple of questions, so let's address those. We had a question on what divergences there were, time tables that Scott [Duckworth] asked about, and height.

Gene Hollins, Law Director: Time table is easy. [Mayor: It's based on Len probably]. Yeah. This is an administrative action of Council. It is not subject to referendum. It's only subject to a Chapter 2506 administrative appeal under the Revised Code and those are to be filed within thirty days of the effective date of your action.

Mr. Betz: The divergences that are identified were the setbacks for the rear of the buildings. It is 25, not 30 feet, and that is only along the commercial areas here [indicating]. The Downtown Residence District has a 5,000 square foot lot. This is going to be set up in a homes association. The lots will be established by plat and it is anticipated that several of those lots will have smaller than 50 x 150 [lots] because this is a private street situation where the lots will be included as part of the street. So the lots will vary in size and some will be smaller, especially in these corner lots. There is a general divergence on that because of it is being set up as a homes association and private streets.

The height of the buildings will have to meet the 35 feet requirement. They're in the initial design as is stated in the body of the ordinance, so those designs will go back to P&Z for review with certificates of appropriateness, either by groups or individually, depending on how they're designed with the input of the Historic Downtown Advisory Commission. Those are the divergences that are shown in the text on page 5.

Mayor Lorenz: And there was a question about the stub street.

Mr. Hollins: The right-of-way for the continuation of that road over to Grace Drive is completely within the control of the church. The church, which owns the shopping center and with the other activity that

is around it, is now interested in marketing that property since the original rezoning request where they were working with the developer. They've made the decision to market the property. Their position, as we understand it at this point, is they will let their buyer, when it is developed or redeveloped, work with us to get that right-of-way established, but they don't want to do it at this point and limit the options of their potential buyer, which we understand. Long-term, if they find a buyer, we'll be working with that buyer. We feel confident that anyone who develops or redevelops that property would be interested in having that road to help have access to public roads and we wouldn't approve any redevelopment or development without them providing that right-of-way. But we need to work with the buyer is what it comes down to.

Councilman Bennehoof: Gene, I'd like you to address the question about the propriety of the rezoning. I believe with all of our activities with the Comprehensive Plan that this falls in line and is an appropriate action that we have taken.

Mr. Hollins: I'm not going to say a whole lot about that. We already received a threat of litigation at the last meeting over this process. What I will tell you is that our legal position on whether this is re-enacting an earlier ordinance is stated in several briefs that were submitted to the Ohio Supreme Court. As Mr. Miller stated earlier, the Court found in our favor and one judge, in a concurring opinion, went so far as to say it wasn't the same ordinance re-enacted. But the court encouraged Mr. Ebersole, who felt strongly about that, to go to Delaware County Court of Common Pleas and that is what he has threatened to do. We would prefer this, as with most other developments here, not to be subject to litigation. We'd rather work with the residents and developers.

Councilman Bennehoof: Okay. Then I'd like to make some summary comments after everyone else has had a chance to speak.

Councilman Bertone: I want to appreciate everyone's patience on this effort: Mr. Pivar, to your team as well as Mr. Happensack and Mr. Ebersole. You have brought up a variety of input and concerns to this conversation so that it is very difficult in some respects to keep them balanced. But I believe we have reached the proverbial end of this road I hope.

I have been and remain an advocate for this project. As I look at this effort, overall, I think it is a low impact use compared to a potential commercial application at this site. Also what concerns me, and based upon the zoning change that has to be addressed, is the lead clean up. Based upon the zoning, it's a 100% clean-up. This is not a 50% type of clean-up situation. We have talked about tax revenues in terms of what it means for the downtown district and what it may mean for our schools, but I think what you are creating for this community is a catalyst – an opportunity for that entire northeast quadrant to become something different than what it is today.

I share some of the concerns about the road as well. I'd like to see that come to fruition, but we can only take that conversation so far this evening. The unique architecture and the unique applications of the designs that you have applied, I think, is something that we are going to be very proud to see within this community. So I'm an advocate for this effort and I intend to vote yes this evening.

Councilman Newcomb: Most of my comments were at the last meeting, but I don't think our Comprehensive Plan supports a private, gated community with limited access to the surrounding area in our downtown district. For that reason, I will be voting no.

Councilman Hrivnak: First, Gene, can you remind Council and those here what is implied with an administrative action like we are doing this evening?

Mr. Hollins: This is a final development plan approval. It is not a rezoning. There's no legislative act. What we do once it's zoned under this district is entertain a site final development plan that comes through for P&Z's review, and in this case HDAC will be involved in that as well. Eventually it comes back up to Council. Council is acting, in essence, in applying its own ordinances to a specific plan. When it does that, it's acting in what we call an administrative capacity. Normally, you create law. You are a legislative body. Here you are not. You are actually applying one of your earlier enacted

ordinances to this specific plan and basically it defines the scope of your job tonight: Does this plan meet the criteria of the Code you set forth at an earlier point in time?

Councilman Newcomb: Gene, what about footnote 1 of Judge Graham's decision in Powell Crossing? In there he talked about the final development plan. I can quote it, "The Code, which lists numerous factors that should be considered during the application process does, naturally provide councilmembers with guidance as they determine whether to adopt, deny or modify a recommendation from the Commission. However, the language of the code does not require city council to approve a final application even if the various factors are satisfied."

Mr. Hollins: I'm reflecting back on years and decades of Ohio Supreme Court law about what is administrative and what is legislative. I don't know that what you just read from a federal court opinion really changes that approach. It says there's not going to be any required approval, but in any zoning code there's both objective factors and subjective factors. We are not asking Council necessarily to just check boxes. In approving even administrative via code to a specific plan you exercise your judgment, but it doesn't mean you are acting legislatively. It's an administrative act. I hope that helps.

Councilman Hrivnak: I'm in favor of this project. I think that this is a great use of the property. We've looked at a lot of other possible uses and, in my opinion, this is going to be the best use: the best for traffic, the best for the downtown, and I intend to vote in favor of this ordinance.

Councilman Counts: My position on this application has not changed and I don't really need to restate my position. I'm in favor of this and always have been.

Councilman Swartwout: Like Tom, I spoke my piece on this before and my opinion hasn't changed that much either. The legal issues, whatever they may be, are certainly not clear or as certain as some people seem to think that they are so I am going to vote on what I think is in the best interest of Powell. I will vote yes.

Mayor Lorenz: I'm very excited for this project. I was as well the last time when it was a different project under a different zoning. I think what I like about this project, even though it went to a vote and referendum after that, is I spent a lot of time talking to a lot of you on both sides of the issue. Once the dust settled and we talked about what I call Planning 101, which this basically is, it is a great infill development, it provides another conduit to create a walkable, vibrant downtown, it's totally in accordance with our Comprehensive Land-Use Plan, and it makes a lot of sense. One of the goals that we want to do is have a vibrant downtown center and this will help facilitate that.

I think that Larry [Coolidge] made the comment about older people living here and there's a concern over trip generation. Those folks are going to be leaving and going at different times and that makes sense. Mrs. Jacobs also addressed it with the sustainability and the viability of the downtown. I think there has been a lot of collaboration on this. Many of you have been invited to come to the table and some of you have chosen not to do so and have not wanted to work with us on possible solutions which is unfortunate because we really could have used your contributions.

I intend to vote for this ordinance. I think this will be a key component to infill development here in our City and be a catalyst for mixed-use development going forward to help us bolster our economic tax base and create that vibrancy that so many of you comment to us out in the field or in our biannual survey or in social media. This is a home run for Powell.

Councilman Bennehoof: To reiterate all that I've ever said before about the viability of this plan and the attractiveness of it, I'll just let it be said by my eloquent cohorts; however, I do feel it incumbent on me, in light of the long months and even over a couple of years, I think it's time to address a couple of things and in light of that, I feel obliged to make these comments. I hope you will indulge me.

It's obvious that some uninformed voters have been misled or misguided by individuals resulting in what is going to cost those same people heavily via legal settlement against the City. Mr. Happensack, if a plat of land is zoned for a structure that is X by Y by Z with M parking and N features (and I'm putting it in these terms because I don't want to say a purple building have someone run out and say 'he said

purple buildings.') and developer brings forward a plan that matches those exactly and P&Z or Council denies that application, it is in legal terms an arbitrary unlawful and illegal action which will be overturned by a court.

The anti-champions of these few efforts that have stalled Powell Crossing and threatened Liberty Green, as well as this current project, have complained about violations of their Constitutional rights. Oh, and by the way, have been suspiciously mute on other developments within the City. A simple civics lesson will inform anyone who would bother to look into it, that landowners have rights, Constitutional rights, and the courts have repeatedly explained this in painful and costly detail. All of these legal battles end up being leveled at the City. The result of a referendum or charter amendment is that it becomes a matter of City liability. The petition carriers, initiative leaders and signatories of the petitions are not held responsible for the delay of the developer. The City is the only legal entity against whom the developer landowner has any recourse. And all of this results in all of the citizens of this City footing a very expensive legal bill along with very high penalties. Due to the misguided actions of a few and the emotional votes at the ballot based on bad information, our City's being held hostage by representations of a few individuals that feel that they know what is best for this City.

There are seven people on this platform as well as a City Staff of dedicated individuals supporting Council to preserve and protect the health, safety and welfare of the citizens of this City. That is our primary mission and what we swore an oath to do. Our Zoning Code is in review, our Comprehensive Plan has been updated, perhaps later than it should have been, but it was. Both of these were updated with citizen participation. Some of this body and those that immediately preceded it, updated our City Charter again with citizen participation. Our Zoning Code update will follow the guidance of the Comprehensive Plan as it directs and our P&Z Commission and this Council will continue to act in the best interest of every citizen. All of these efforts have been aimed at improving our City, its policies and procedures and the welfare of our citizens. This is all easily said. It was much more difficult to execute. It is imperative that a community remains vital, growing and supportive of itself and its good neighbors. I'm calling on all of our concerned citizens to better understand the law, work with the City and all of its integral components as well as our businesses and developers for a high quality product in all of our projects and not against them for some self-serving, insular interests.

I don't know of a more suitable use for this site. We could leave it lay fallow. We could turn it into a park, but we don't have that authority. There is no better use and it cleans up a terrible contamination issue that needs to be cleaned up, and it's a great buffer between a commercial property and an existing residential.

Mr. Carlson shouted from the back of the room [indecipherable].

Mr. Hollins: I can talk to him outside of chambers.

MOTION: Councilman Counts moved to adopt Ordinance 2017-14. Councilman Bertone seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

SECOND READING: ORDINANCE 2017-19: AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOTES IN THE AMOUNT OF NOT TO EXCEED \$2,270,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF (I) DESIGNING, ENGINEERING, CONSTRUCTING AND RECONSTRUCTING VARIOUS ROAD IMPROVEMENTS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; (II) DESIGNING, ENGINEERING, CONSTRUCTING AND RECONSTRUCTING VARIOUS WATER IMPROVEMENTS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; (III) DESIGNING, ENGINEERING, CONSTRUCTING AND RECONSTRUCTING VARIOUS SEWER IMPROVEMENTS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; AND (IV) CONSTRUCTING, IMPROVING AND RECONSTRUCTING VARIOUS IMPROVEMENTS TO PARKS AND RECREATION FACILITIES AND LANDS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, AND APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE NOTES.

Mr. Betz: That is where Flyers Pizza is located.

Councilman Newcomb: And the one fronting on Sawmill Parkway?

Mr. Betz: This is where Presidential Point, Vittoria's Restaurant is located.

Councilman Newcomb: I read in the P&Z minutes that the building facing Sawmill Road is going to be a sports facility. Is that the plan or the thought?

Vince Margello 3967 Presidential Parkway: The second building back will be a sports facility. It's approximately 12,000 or 13,000 square feet, all turf inside. One of the trainers at the Metro Building, which is to the north, works with a lot of high school athletes and pro golfers. What they are going to do is have total AstroTurf inside the building and they will be able to teach golf lessons in there with the screens where you hit it into the screen and it judges your distance and everything with pros from Wedgewood and surrounding country clubs. Also in there will be field hockey in winter time, some type of volley ball training, some type of lacrosse training. The gentlemen that is doing this is Ryan Conk and he works with several athletes in the area.

The first building facing Old Sawmill Road is more like an office/warehouse facility which I've built several of them. I just did a smaller version on Presidential Parkway in front of the Lazy Chameleon shopping center which houses Sign-O-Rama and a gentleman called Treehaven that does the cameras for the freeways in about four states. It's a very useful type of facility. I had a very well-known attorney call me today and wanted to know if I would have a spot in that new Sawmill Road building that he could use for his office. You can do that with an office/warehouse because the door really doesn't have to open in the back if you don't want it to. These buildings are all stone and brick. There's no stucco.

Councilman Newcomb: There are metal buildings there. The storage buildings.

Mr. Margello: Yeah, the storage buildings. I have ten units behind the UDF building that I've had for years and I've never had a vacancy. We rent them very reasonably. It's not only cars, but mostly campers, boats and toys that people don't have room for at home. The facilities are really nice because they have 14 foot high doors, 15 foot wide facilities with 55 foot depth. So you can put a large camper in there. There is no outside storage, no fencing, so everything is contained inside. Very little traffic on these facilities.

Councilman Newcomb: Potentially the sports facility could get a lot of traffic.

Mr. Margello: Yes, but I own a parking lot to the north that we are joining into that has several unused parking spaces.

Councilman Newcomb: How does that work if either one of them sells the property? What then happens to the parking?

Mr. Margello: Remember that sports facility can also go away and then it's an office/warehouse again. I might not need parking if the sports facility doesn't work. So what it does is give you the option of using that for an office/warehouse or using it for a sports facility. Same building if you look at the sports facility versus the office/warehouses. It's the same building, it's just the office/warehouse has dividing walls inside where the sports facility is wide open inside. Parking is not a problem at Presidential Point. Parking is not a problem at the Metro Building and I don't see parking being a problem here.

Councilman Newcomb: I heard that there are no sidewalks on Sawmill Road. Is that just a cost issue? With a sports facility, it would nice if kids could ride their bikes there. [Mr. Margello: it would be nice.] I like the bike path on Presidential Parkway. I think that's really key because you are close to a whole neighborhood of kids who can go to the sports facility without having to ask mom or dad to drop them off. Having some kind...

Mr. Margello: I think you're a little new to town, but I developed The Woods of Sawmill so I put that bike

path in. I developed Presidential Point and I put that bike path in. I've got two bike paths going to nothing. We thought it was a better use of the money instead of putting in a strip of asphalt on Old Sawmill that connects to nothing, to adjoining the bike path on Presidential Point to the bike path at The Woods of Sawmill.

Mayor Lorenz: Is there a maximum and minimum number of parking spaces you have if you combine it with your Flyers building?

Mr. Margello: No. David, what was the ratio?

Councilman Hrivnak: I'm interested in that too, so maybe you take me through that slowly. 293 seems like a lot of parking spaces.

Mr. Betz: With this whole plan, phase 1, 2 and 3, and with all the property that he owns within the Presidential Point property, there are 332 spaces. That includes everything within this property here [indicating]. [Mr. Margello: It does not include the Metro Building.] That would be the required spaces. With these proposed uses and the existing uses, you are looking at a lack of about 50. With the Flyers property added to that, that is substantially over parked even with the new building put there. So we don't see there being a problem by adding that to it.

To Brendan's question what could be done is a cross access parking easement placed on both properties that Mr. Margello would be happy to do and place that on it in case the properties were to sell.

Mr. Margello: And if the property sold, the property owner would probably want that cross over easement.

Mr. Betz: Both properties could use all that parking together, which is one of the things we want to do in our downtown area.

Councilman Bertone: Zion is right into this property, correct? [Mr. Margello: Yeah, Zion is right there.] So where is your drive at? Is it to the south end or [Mr. Margello: It's to the south end] the north end?

Mr. Betz: It's to the south end. Zion Drive comes about half way into the property. With trying to connect the driveway, splitting the parking lot, having it come right into the building what we actually tried to do was work with the property owner to the south and combine the driveway access points together. That property owner refused to participate in something like that. That property is also in the township and not in the City. Our engineer's best recommendation was to move the driveway access to the south.

Mr. Margello: The rest of the traffic will probably enter in off Sawmill Parkway. Right now for the dance studio behind Presidential Point, most of the traffic comes in off Sawmill Parkway or Presidential. I see with the easement going through the Metro Building, most of that traffic will come in through Presidential.

Mr. Betz: Having multiple access points is helpful.

Councilman Bertone: Absolutely. To Brendan's concern, there are two bike paths down along Zion. One on one side of the fence and one on the other that run all the way through Zion Drive.

Mr. Margello: For years when I built Presidential Point, we put that bike path out there and it isn't even used. But now since the senior living facility has gone in, we are seeing more traffic on that.

Councilman Hrivnak: Will there be phasing on the addition of these buildings? Are they all going in at once?

Mr. Margello: We will do the first two office/warehouses first and then we will do the storage units because if the office/warehouse is a big demand, I make more money on this and I'll probably do two

more office/warehouse buildings. That is why we wanted the option so we didn't have to come back through here, we could go to Dave and Rocky and say this is what we would like to do instead.

Councilman Hrivnak: So the building that fronts Sawmill Road would be in the first phase? [Mr. Margello: Yes]. That's the way it should be. Dave, the fire department's looked at this and are happy? I noticed between the two vehicle buildings, is that just a stub that goes over there or is it a thru way? [Mr. Betz: That's just a stub.] Is there any reason why that wouldn't go through to the other parking lot? It seems to line up pretty well.

Mr. Betz: It could.

Mr. Margello: I wouldn't want that many entrance points to that. You're just looking for more vandalism. I'd rather have the entrance point just to the east.

Councilman Newcomb: The April 26th final development text [first page of Exhibit A of Ordinance 2017-20] says that Building 6 is Office or Retail. I thought you said that this was going to be office or warehouse. [Mr. Margello: It is. Office/warehouse.] The letter says retail.

Mr. Betz: That can be office/warehouse.

Councilman Hrivnak: When I looked at the plans, Building 5 only has one bathroom and for an office/warehouse that was interesting....[Mr. Margello: The sports facility actually has two, one on each side.] Ok, so it didn't look like a normal office/warehouse.

Mr. Margello: What we're doing is when we get the plumbing in, we'll leave it all underground and pour the slab over it and if we have to tap into it later on, we will.

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

Councilman Newcomb: I prefer to go to two readings.

Mayor Lorenz: Ok. If you can amend the Exhibit to reflect that Building 6 would be office/warehouse, then we will address this again at our next meeting.

Ordinance 2017-20 was taken to a second reading.

FIRST READING: ORDINANCE 2017-21: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE ELLIS COMPANY, LTD/COLE ELLIS TO RENOVATE AN EXISTING SELF-STORAGE SITE TO REMOVE BOAT AND RV STORAGE AND REPLACE IT WITH NEW SELF-STORAGE BUILDINGS FOR THE PROPERTY LOCATED AT 72 INDUSTRIAL PARK PLACE.

Mr. Lutz: Dave will review this proposed redevelopment.

Mr. Betz: As we look at our aging community, these buildings were originally constructed in the late 1980s. Looking at the site [indicating] there is existing parking for outside vehicles and buildings for personal storage. The applicant wishes to take out the southern end and redo it with some new buildings. To the south are industrial type use buildings. The larger buildings to the north are apartments, to the west are condos.

The plan effects most of the southern part of the property where there's new buildings placed in there, driveways and new storm water implementation controls. The building themselves are pretty simple, as self-storage buildings are. There is already a lot of landscaping around the site from the previous plan, but there will be some infill. All the exterior will have a brick panel type construction. P&Z reviewed this. There is also a new sign that we are still working with the applicant on exactly where it's going in relationship to the existing sign with possible tenant handles on the bottom if they can come to agreement with the current tenants of the property to the south. However, it looks as though it will end

up just being a new sign for Cardinal Self-Storage out along Industrial Park Drive. The applicant is here to answer questions.

Cole Ellis, Ellis Company: I am Cole Ellis with the Ellis Company and I am the owner of Cardinal Self-Storage. I wanted to show you the simulated brick [shows Council sample of simulated brick] that's going on the exterior of the building. It's a product called Nichiha. It's a concrete-based product that has no sheen to it. It provides for a very nice finish on the exterior of the buildings.

Councilman Bennehoof: It's Hardi-plank turned into brick.

Mr. Ellis: These are the color schemes that I use on my developments. [Shows more samples]. This is a saddle tan, which is the color of the metal buildings and this cedar red color is the color of the overhead doors.

Councilman Newcomb: That brick is just going to be on the outside buildings, not the interior?

Mr. Ellis: It's going to be on the south side of those three buildings and also on the east side of the three buildings running parallel to Industrial Park Place.

Councilman Newcomb: Anything being done with the older buildings?

Mr. Ellis: We will paint them the same color. They are in pretty good shape, but need a coat of paint.

Councilman Hrivnak: There's a building being razed. What is the use of that building now?

Mr. Ellis: It has a couple of large buses in it – it's kind of a mixed-use building where there's a roof on one part and then there is a building on the other part. It is a combination of self-storage and some units where buses can be pulled in.

Councilman Hrivnak: I didn't understand Dave's comments about tenants on the sign? There are four spots for tenants. Is some of the building not owned by you?

Mr. Betz: No. When the property was originally developed back in the 1980s, the sign I referred to was the one that is existing right here [indicating]. That sign was built accidentally onto the property to the back of it, was approved earlier by Council and P&Z to be placed in the right-of-way another foot over. What they have proposed to do was to do a new sign. There was sort of handshake agreement – a formal one couldn't be found – with the tenants of the buildings that were part of the old, original development. With that sign change, they do not want to participate in that agreement anymore from my understanding, and just want Cardinal to have a new sign here. So if the sign would go away the Cardinal sign, which is much nicer, would be placed here.

Joe Miller, Attorney for Applicant: Dave has characterized the sign issue correctly. We just want to put it where it should have been and improve the signage immensely. The persons that own the property that their tenants participate in the panels has not been interested in participating in the new sign though we will continue to seek their involvement if they care to be. We worked with the City to prepare a sign license agreement that's acceptable to your Law Director. I'm no expert in the business of self-storage, Mr. Ellis is. We were fortunate to receive a very favorable reception from both Rocky [Kambo] and David as well as the Planning & Zoning Commission. When it comes to self-storage, Mr. Ellis's product is really nice. I think you have a hard-working, honest business owner there currently, but I think what the elevations you've seen, the plans proposed are a marked improvement for a still much-needed use in the City.

This has been thoroughly vetted by Dave and Rocky and certainly by the P&Z Commission, and I would ask, if it is Council's pleasure, to dispense with second reading.

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

Councilman Counts: In thinking about what our precedent has been, I was under the impression that most zoning things we took to a second reading. Is that incorrect? There may have been some exceptions, but there's been a reason for an exception.

Mr. Hollins: I wouldn't disagree and it's completely at the discretion of Council to take it to a second reading. Between P&Z and Council on this one, with the sign easement, it has been somewhat 'herding cats' because we asked these guys if you are going to replace an existing sign with another landowner's tenants' signage, work with them and they've worked diligently with them. I told Joe we would at least entertain the request.

Councilman Hrivnak: I'd feel more comfortable with a second reading.

Mayor Lorenz: I agree with Tom but am willing to make an exception and add that no one has made any comments.

Councilman Newcomb: I would like to take this to a second reading since we just required the applicant before this to go to a second reading. In fairness, we should with this one as well.

Councilman Swartwout: In fairness and precedent, let's take it to a second reading, but understanding that it is not rendering any sort of opinion on this project.

MOTION: Councilman Bennehoof moved to suspend the rules regarding Ordinance 2017-21. There was not a second on the motion.

Ordinance 2017-21 was taken to a second reading.

FIRST READING: ORDINANCE 2017-22: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO NEWCOMER CONCRETE SERVICES, LLC IN THE AMOUNT OF \$64,861.00 FOR THE 2017 SIDEWALK REPAIR AND REPLACEMENT PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Lutz: This week bids were open for our Annual Sidewalk Repair and Replacement Program. We received three competitive bids. The two lowest bids were within \$28 of each other and Staff is recommending the low bidder, Newcomer Concrete, in the amount of \$64,861.00.

Councilman Counts: Have they done work for the City before?

Chris Huber, City Engineer: Yes. Newcomer has worked on various street programs in the past as subcontractors with curbs and sidewalks. They also worked on North Liberty Street in our downtown... [Indecipherable due to speaker addressing council from the audience] and they did a fine job on that project as well.

Councilman Hrivnak: We do have a revised ordinance that is filled-in in the packets so we won't need to make any motions there. Chris, when you send out a bid package and the bids come in this close, that's a testament to your work as engineers. I can appreciate that and I wanted to make that comment – that you guys did a nice job on that project.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2017-22. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-22. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-23: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AWARD A BID TO AMERICAN PAVEMENTS, INC. IN THE AMOUNT OF \$139,591.23 FOR THE 2017 STREET MAINTENANCE AND REPAIR PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Lutz: Last week we opened bids for our street program and received two bids and do recommend awarding it to the low bidder, American Pavements in the amount of \$139,591.23 which is approximately \$45,000 less than the next bidder. American Pavements has performed work in the City in the past and Chris and his department have been satisfied with their work.

Councilman Hrivnak: I'm surprised by the low number of bids and then the spread between them. Any explanation on your part?

Mr. Huber: These are the two contractors that do slurry seal [Indecipherable due to speaker commenting from the audience] [Councilman Hrivnak: So it's based on the specialty required?] [Indecipherable due to speaker commenting from the audience] American Pavements price was very low. It was actually lower than it was the previous year.

Councilman Hrivnak: And how did that compare to your engineering estimate?

[The Clerk asked Mr. Huber to speak into a microphone]

Mr. Huber: As Steve said, our estimate was \$45,000 higher on an item. I believe the item was \$2.30 per square versus our estimate of \$2.80 per square.

Councilman Hrivnak: Are you including some alternates? Is that the asterisks at the bottom?

Mr. Huber: With that we're including cracked seal that would go under the slurry seal, and we have pavement markings that will go on top of the slurry seal when complete. There's a few areas, miscellaneous stripping around the City, that we are also doing as minor parts of the contract.

Councilman Hrivnak: Based on the favorable bids that we have, is there other alternatives that we want to entertain?

Mr. Huber: I think we chose to do this to keep money for next year's street program. We are also doing work on Rutherford Road this year and Sawmill Parkway with the county. So next year is another low year in terms of the amount of money that we have so to be able to have a decent size program next year, I'd prefer to keep it at this size.

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

MOTION: Councilman Counts moved to suspend the rules in regard to Ordinance 2017-23. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-23. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-24: AN ORDINANCE TO AMEND THE POWELL CODIFIED ORDINANCES TO PROHIBIT THE SALE OR OTHER DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, OR ALTERNATIVE NICOTINE PRODUCTS TO PERSONS UNDER 21 YEARS OLD.

Mr. Lutz: This proposed ordinance has been under study by the City's Operations Committee for the past six months. It will raise the legal age to purchase tobacco products within the City from age 18 to 21. This has been done in other municipalities in Central Ohio, the City of Columbus and some of its suburbs. I think Gene has a partner from his law firm here who will give us a brief review of this legislation.

Mr. Hollins: We did discuss both this and the next ordinance in committee. I muddled my way through some of the very good questions that council and other attendees asked. However, the real author of both of these ordinances is Thad Boggs. Thad joined us from the Upper Arlington Law Department and prior to that, Thad was at the top of his class OSU Law School. We are happy to have him as part of our contingent at this point. In Upper Arlington, I think, took the ordinance through the process on the Tobacco21 issue and has some practical experience from that and would be happy to address any questions that Council may have.

Councilman Swartwout: I think one of the unresolved questions that we had at our last meeting was whether this ordinance prohibited somebody under the age of 21 or over age of 18 who worked, for example, as a cashier from selling cigarettes. What was the answer to that?

Mr. Boggs: What this ordinance does not do is prohibit possession of cigarettes or tobacco products by someone between the age of 18 and 21. It prohibits the sale or distribution. If you are 19 years old and working at a convenience store you wouldn't be prohibited from possessing cigarettes for purposes of handing them across the counter or selling them to someone over the age of 21. What we have gone in and done since that committee meeting was made clear that if you're the store manager and hand a carton of cigarettes to your 19 year old employee to stock the shelves that is not a prohibited act. So I think that addresses any concerns about a clerk getting caught up in any sort of problem with that.

Mr. Hollins: After our discussion in committee, we wanted to make it clear that this is not directed so much at the clerk as the organization, the employer, and we beefed up organizational responsibility, criminal liability section.

Mr. Boggs: Your Code has an existing provision for organizational criminal liability and it states that applies if there is a clear intention within the ordinance to have it apply. The original ordinance that went through the committee process referred to persons and employers, agents of employers, etc. being liable if they were the person selling or giving cigarettes to someone under the age of 21, but it didn't come right out and say that organizational liability is not only applicable here but it is a matter of policy and the preferred course of action. The change that has been made since the committee process has been to say explicitly what had been implicitly in there before, that organizational liabilities applies to this violation. It goes on to say that as a matter of policy, it is Powell's preference to first issue a citation of the business owner or manager, although that does not preclude citation of a clerk if the circumstances would warrant.

Councilman Newcomb: I was at Kroger and asked them what the situation was there. They said you can be as young as 16 and sell cigarettes and you could be 18 and work in the liquor store. I thought it was interesting that you can be too young to buy either one of those things but you can still sell both of them.

Councilman Bertone: From the committee's perspective, I want to thank Gene, council and Staff for getting this draft at this stage. It has been a long, painstaking process but well worth it. Nice work.

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

Councilman Bennehoof: I remain conflicted as I have said in the past. You can go and defend your country, but you can't buy a pack of cigarettes. I support this in spirit to some extent. I also understand that it is only in the City and it will only effect a few vendors. Someone in the military service could probably just go down to Kroger, which is in Liberty Township, and buy their cigarettes. But I remain conflicted by that.

Councilman Swartwout: I would prefer to take this to a second reading as well as the next Ordinance. I think these are issues that the public is pretty interested in and seeing as we are now past 9:30 p.m. and this is very deep on the agenda on a heavy night, I would like to give the public a second opportunity to weigh in on this and next ordinance.

Mayor Lorenz: I agree with Dan as well. I know the committee has done a lot of work on this, but I wouldn't mind taking it to a second reading. I have a little concern still over retribution from retailers. I had a couple of them tell me that they have had issues in other communities where this has been passed. I really support a healthy community and I think this is important.

MOTION: Councilman Hrivnak moved to suspend the rules in regard to Ordinance 2017-24. Councilman Newcomb seconded the motion.

VOTE: Y 2 N 5 (Bennehoof, Bertone, Counts, Lorenz, Swartwout)

Ordinance 2017-24 was taken to a second reading.

FIRST READING: ORDINANCE 2017-25: AN ORDINANCE TO PROHIBIT CULTIVATION, PROCESSING, AND RETAIL DISTRIBUTION OF MEDICAL MARIJUANA WITHIN THE CITY OF POWELL AND DECLARING AN EMERGENCY.

Mr. Lutz: The state's House Bill 523 authorizes medical marijuana in Ohio. It authorizes the Department of Commerce to issue licenses to medical marijuana cultivators, processors and testing labs. The state's legislation also authorizes local authorities to adopt regulations or to prohibit or limit the number of dispensaries. This matter has been discussed in committee and the committee both looked at the possibility of a moratorium or an outright ban and has recommended a ban based on the Law Director's recommendation. This is something that many communities around the outer belt have been discussing and imposing regulations on.

Councilman Bertone: We are taking the approach of a ban as opposed to the moratorium. We felt that the moratorium was more or less a kicking-the-can-down-the-road. This ban and its current position is just simply that. It is something that can be modified down the line if we feel the need to do so in the future. I want to commend the committee in its efforts to craft a piece of policy for the betterment of the community.

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

Mayor Lorenz: The committee is recommending a ban, so do we want to not pass this then or does it describe the ban in here?

Mr. Hollins: Under 751.02(a), the cultivation, processing, or retail dispensing of medical marijuana is hereby prohibited. And then it goes on to talk about the state university research, etc. That is the ban. There's a lot shaking out right now and once it all shakes out and you want to take a second look at it, there is no restriction on reconsidering this in the future, it just makes no sense to us to put in place a moratorium that comes with risks inherited. We might as well just ban it.

Mayor Lorenz: So passing this just institutes a code section and puts in the definitions and states the ban.

Mr. Hollins: That's exactly right. A "yes" vote would adopt a code section and code sections contain a prohibition.

Councilman Counts: I would echo Dan's earlier remarks about a second reading. Both this ordinance and the last one have penalties. I think that this is a little weightier than some of the other things we have to do.

Councilman Bennehoof. I support that.

Ordinance 2017-25 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: Next Meeting: June 6, 2017, 6:30 p.m. We met tonight and talked about the Seldom Seen Park development: construction plans, the condition of the plans, the cost estimate and we talked about

a very critical schedule. We can't let too much grass grow on that project or we might miss our season for this year.

Finance Committee: Next Meeting: June 13, 2017, 7:00 p.m.

Operations Committee: Next Meeting: June 20, 2017, 6:30 p.m.

ONE Community: Next Meeting: TBD - Our last meeting was cancelled due to some recent developments. Our next meeting should be next Monday and I am toying with going ahead and having it and airing some issues and possibly refactoring ONE Community.

Planning & Zoning Commission: Next Meeting: June 14, 7:00 p.m. We have another busy agenda next Wednesday. We have a new commercial center at Murphy Parkway and Powell Road which is the empty lot next to the vet clinic. Framemakers of Powell bought 84 W. Olentangy Street. It used to be the cupcake place. He is putting a frame shop in there and wants to tear down the garage in the back, building a new garage for a shop. Reserve at Scioto Glen has a setback issue related to storm sewer easements. We're going to do some amending on a couple of lots there. Ill-mannered is looking at putting in a new 3,000 square foot building near the post office off Grace Drive. We have a dance studio looking at a vacant lot at 80 Clairedan Drive.

Powell CIC: Next Meeting: Next Meeting: TBD

Zoning & Building Code Update Diagnostic: Next Meeting: June 27, 6:00 p.m.

CITY MANAGER'S REPORT

Mr. Lutz: Included in your packet were two notifications from the Ohio Division of Liquor Control for changes in different permits for City BBQ and GBG Development II, LLC. GBC is for the new building that's going up west of Armita Plaza. It will be a Greek restaurant which currently operates in downtown Westerville. This is a new restaurant. *[Thumbs down for a hearing]*.

OTHER COUNCIL MATTERS

Mayor Lorenz: I wanted to thank everyone that was at the Memorial Day parade for your efforts. Chief Vest, lovely program, and Patti Mills, who was here for a while, and councilmembers that were able to participate.

I am contemplating scheduling a committee of the whole meeting. What I'd like to do is take a reset on some of the goals and some of the development project we have going on. I know that Finance is going to discuss lists and fees and things like that. I feel like we may need a separate time to rehash everything, go over everything, and give our Staff feedback on where we are with things. Just reset and reprioritize. I feel we are often rushed in this meeting and in the committee meetings, so I'm looking to possibly do that toward the end of June. I will reach out and see what kind of schedules you have and Staff has and pick a date that works for everybody.

Councilman Bennehoof: I mentioned the potential refactoring of ONE Community and this next item dovetails to that. We met with a couple of local business owners who are representing themselves and not the business community, but they brought a number of issues to our attention: parking signs, lighting, future construction, incentives, new businesses, promotions and what should their expectations be for City support. They asked if they could close Olentangy Street and I mentioned that it was a state route and therefore would be a pretty heavy lift. They mentioned involvement with Heritage Ohio and they wanted to know how they could help promote downtown business. One of the things we discussed was a possible business forum. I think there's probably an opportunity for that in that we don't have any business organization that is coming to us representing the businesses' concerns. I think at least one to start would be a good idea, so I am putting it out there. I think that it would be appropriate that we have a public meeting with the business forum format with an agenda, etc. rather than just an open session with Staff there that can answer questions about why it takes so long to do this or whatever and how we apply some of our fees and permits so that we try to be equitable and fair in our processes.

Powell Senior Living still has a secondary sign out front and there are a couple of temporary signs that are starting to pop back up.

Mr. Betz: We pulled a bunch today.

Mr. Lutz: Actually, they had to use lock cutters because some people had chained their temporary signs.

EXECUTIVE SESSION: EXECUTIVE SESSION IN ACCORDANCE WITH O.R.C. SECTION 121.22(G)(1) PERSONNEL MATTERS, SECTION O.R.C. SECTION 121.22 (G)(2) PURCHASE OF PROPERTY FOR PUBLIC PURPOSES (LAND

ACQUISITION), AND SECTION O.R.C. SECTION 121.22(G)(3) PENDING OR IMMINENT LITIGATION.

Councilman Swartwout recused himself from participating in Executive Session and did not return to participate in Open Session.

MOTION: Councilman Bennehoof moved at 9:55 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22(G)(1), Personnel Matters, Section 121.22(G)(2) Purchase of Property for Public Purposes (Land Acquisition), and Section 121.22(G)(3) Imminent or Pending Litigation. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

MOTION: Councilman Hrivnak moved at 10:59 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2017-14: A RESOLUTION AUTHORIZING THE APPROVAL OF THE TENTATIVE AGREEMENTS ACHIEVED IN COLLECTIVE BARGAINING BETWEEN FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, INC. AND THE CITY OF POWELL, OHIO, FOR THE OFFICERS' UNIT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY AND APPROPRIATE ACTIONS TO FINALIZE THE COLLECTIVE BARGAINING AGREEMENTS NEGOTIATED BETWEEN THE PARTIES.

Mr. Lutz: Under the laws of Ohio, this Resolution is brought forward to Council to either ratify or not the tentative agreement with our police officers.

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


MOTION: Councilman Counts moved to adopt Resolution 2017-14. Councilman Bertone seconded the motion.

VOTE: Y 5 N 1 (Newcomb)

ADJOURNMENT

MOTION: Councilman Bennehoof moved to adjourn the meeting at 11:00 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

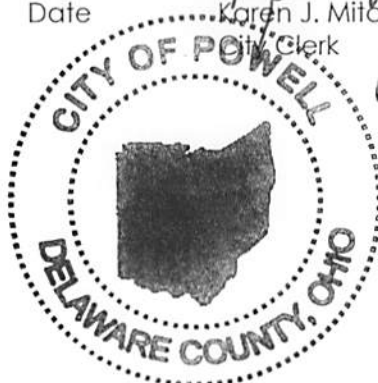
MINUTES APPROVED: June 20, 2017


Brian Lorenz
Mayor

6/23/17
Date


Karen J. Mitchell
City Clerk

6/30/2017
Date



City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout