



City of Powell, Ohio
City Council

MEETING MINUTES

August 15, 2017

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Brian Lorenz on Tuesday, August 15, 2017 at 7:29 p.m. City Council members present included Jon Bennehoof, Frank Bertone, Tom Counts, Jim Hrivnak, Brian Lorenz, Brendan Newcomb, and Daniel Swartwout. Also present were Steve Lutz, City Manager; Eugene L. Hollins, Law Director; Dave Betz, Development Director; Rocky Kambo, Assistant Director of Development; Debra Miller, Finance Director; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk and interested parties.

OPEN SESSION

PLEDGE OF ALLEGIANCE led by Troop 428 of the Boy Scouts

CITIZEN PARTICIPATION

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

Lori Kipfur, 413 Ashmoore Circle East: I wanted to thank City Council and the Mayor for being so gracious the last two times [Troop 428 led the Pledge of Allegiance].

I also want to compliment the police department because we had an issue in our neighborhood where our neighborhood signs were stolen and vandalized. The police were extremely attentive and I wanted to let them know it was appreciated.

I was here last time when you voted for the [temporary left turn] restrictions [at the Four Corners]. Really good decision.

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

APPROVAL OF MINUTES – July 18, 2017

MOTION: Councilman Hrivnak moved to adopt the minutes of July 18, 2017. Councilman Bertone seconded the motion. Mayor Lorenz abstained. By unanimous consent of the remaining members of Council, the minutes were approved.

CONSENT AGENDA

- | <u>Item</u> | <u>Action Requested</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| • Departmental Reports – July 2017 | Receipt of Electronic Report |
| • Ohio Dep't of Liquor Control – McCauley Ventures, LLC | Waive Request for Hearing |
| • RESOLUTION 2017-12: A RESOLUTION TO CONDITIONALLY ACCEPT AND BEGIN THE REQUIRED MINIMUM TWO-YEAR MAINTENANCE PERIOD FOR PUBLIC IMPROVEMENTS WITH REGARD TO THE VERONA SUBDIVISION, PHASE 2 AS THE SAME IS DELINEATED UPON THE PLATS THEREOF RECORDED IN O.R. 1497, PAGE 1712, DELAWARE COUNTY, OHIO RECORDS. | Adoption |

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

RESOLUTION 2017-20: A RESOLUTION TO ADOPT AN AMENDED CITY OF POWELL INVESTMENT POLICY.

Steve Lutz, City Manager: The City has numerous financial policies and that is one of the reasons we have been able to secure and maintain a triple A bond rating which saves the taxpayers money whenever we go out to bid. As part of our general finance policies, we review our numerous policies on a regular basis and the Finance Committee has begun the process of reviewing our existing policies. Ms. Miller will give you a brief review regarding the proposed amendments to our investment policy. This matter was reviewed and recommended for adoption by the Finance Committee.

Debra Miller, Finance Director: We use the Government Finance Officers Association's best practices so that we are using the same best practices both the federal and most other governments use.

There are two small changes since the last best practice policy change. One is on page 3 where it talks about no-load money markets. It states that we will put derivatives in our money market and we will do so with a highest rated agency in those money markets.

The second change is on page 6. It requires us to put an investment program together when we decide to use an outside investment advisor. Currently we don't use an outside investment advisor. The investment program tells the investment advisor what kind of timing we need, what our cash flow needs are, and what direction we want to go with our investments. The City currently uses the Finance Director and Assistant Finance Director to be your investment advisors. When we do decide to go outside, we would have to put that investment program in writing.

Councilman Bennehoof: With respect to the page 6 amendment, is that anticipatory of going to an outside advisor?

Ms. Miller: It is anticipating that one day we will, and this will ensure that it is already in our policy when we do decide to go there. We have had the ability to go to an outside investment advisor since we wrote this policy, but that would be something that would go to the Finance Committee because it would entail getting a contract and all the things that go with it.

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 2017-20. Councilman Bennehoof seconded the motion. By unanimous consent of the remaining members of Council, Resolution 2017-20 was adopted.

SECOND READING: ORDINANCE 2017-35: AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL REVISING CHAPTER 1143.31, REGARDING PLANNED RESIDENCE CONSERVATION DISTRICT (PRC).

Mr. Lutz: This proposed ordinance would add a new zoning category. This is an item that the Zoning Code Diagnostic Committee has been studying and reviewing and now forwards to Council for consideration. It had a first reading at the last Council meeting, and tonight Rocky Kambo will brief you on what this change would include.

Rocky Kambo, Assistant Director of Development: We did our Comprehensive Plan update a little over a year ago, and in our update we talked about a northward growth corridor. What this new zoning code would allow us to have is a new way to develop that differently than the traditional subdivision-style of development. The main takeaway from this new style of conservation district is that fifty percent of the total lands would be put aside for active or passive open space. Active space, in the actual code itself, could be agriculture, farming, baseball/basketball courts, gardening, fishing, and cycling. Passive open space could be parks, trails, public green space, etc. The most closely related example would be Golf Village. We have more

green space and instead of a golf course, that could be an entirely open green space or an active farm use. So it's providing an alternative to the traditional zoning category.

I also wanted to show an active, developed conservation district development. This is called Serenbe and is outside Atlanta. What you can see here [indicating] is that for the total open development area, which is quite large, the homes are clustered in such a way that it allows for a lot of open green space. So you have these open, beautiful green spaces that could or could not be agricultural, with beautiful architecture in homes very similar to the Powell aesthetic.

What we are trying to do is just add another tool to our planning development toolbox and apply it, if necessary, for any northward growth that we may or may not see.

Mr. Lutz: Dave, can you briefly talk about how this is applied where it is not a development and how it is something that the City can choose to...

Dave Betz, Development Director: What this does is give us an option and an ability to use this part of the code for a development that would be a larger development where there are natural resources we would like to protect or open areas where we feel there might be a need for some other type of use versus what they might be proposed for. Our current Planned Residence District only requires up to 20% open space, so we think having this as an additional tool is helpful. There isn't a lot of real conservation district-type of developments that have occurred in Central Ohio, but there are about 200 nationwide where there is active farming. This also has a mix of retail or restaurant along a major road as part of it. There is ample opportunity for northward growth in the City along Sawmill Parkway and we feel that having this as a viable option along with the current Planned Residence District for potential northward growth [is a good thing].

Councilman Bennehoof: I like this kind of thought process; however, I remain committed and concerned about farm animals, commercial kennels, and catteries associated with the residents. I don't have a problem with farming or gardening, per se, but I think it's a slippery slope to have farm animals in the City and what we are doing is talking about farm animals in the City. I realize it's a special use/special case, but I don't like that aspect of this proposal because of the slippery slope that it presents.

Mr. Kambo: It's not a slippery slope and I will explain why. This isn't changing existing uses within the City. This is for any new plans potentially brought into the City. As part of this new zoning code, we are asking for a minimum of 50 acres in order to have this zoning code applied to that land. So, it's really for large scale land development, not a situation where one person could consider their home a planned conservation district and then bring in farm animals. To be clear on permitted uses, as Dave mentioned, a development such as this can have multiple different types of mix of uses. The kennels, the retail uses, the commercial uses, those mix of uses can be blended within and where ever we deem fit within that particular development. A kennel on its own may not be right in a purely residential neighborhood, but if you notice here [indicating], there is still a separation of uses within this larger development.

Councilman Bennehoof: I beg to differ with you on the fact that it is or isn't in the City. I understand it is not in the City now, but it will be in the City if it were annexed and then cows, chickens, bison. How many bison are we going to allow on 50 acres? I don't see anything in here that says that 50 bison per acre or 150 bison per acre is appropriate. I think that we need a bit of refinement if we are going to talk about farm animals. We have had this argument about chickens and this is where it's stemming from for me and if we put it in the City and it becomes City property, then we have farm animals within the City limits. I personally would like to see this go back for some revision on those aspects.

Mr. Betz: We do have farm animals and a farm in the middle of the City now, the sheep farm on Powell Road, and it has created no issues at all with anybody for the last 30 years.

You're building a subdivision around an existing farm that you really have no uses for and imagine that as the open space part of the subdivision for Bartholomew Run and Falcon Ridge. Take and imagine that as your overall plan for a conservation district here that includes farming. That is an option. And you can do that and restrict it and negotiate it as part of a development plan text within this conservation district. It's all negotiated aspects and you work out those details as you work out a plan.

Councilman Bennehoof: There's no guidance about 150 or 1500 bison.

Mr. Betz: I don't think it's good for us to get into those details at this point in time in creating a code where we don't know what a good number to use is. I think we leave that a best practice to those that will be running that situation and monitor it.

Councilman Bertone: If I understand, we have flexibility in what its application is. [Mr. Betz: Absolutely] We have the opportunity, if you have an existing sheep farm, here's what that looks like, that's a yes. If someone were to come in and say they were going to put in bison, could that be something, in terms of the approval process, this is all that's...[inaudible due to multiple speakers]

Mr. Betz: Absolutely. What we would do is set up the plan, and when something comes up like this, then all that active farm stuff is set forth in detail where things would go – where the barn would go, where the fields would go, where the fencing would go and so forth.

Gene Hollins, Law Director: You will ultimately have control over what permitted uses are. These, in essence, are suggestions.

Councilman Bennehoof: It helps, but we've had our problems with planned districts too that we all know about. I love the idea, I'm just not sure about all of the nuances of some of the provisions of permit.

Councilman Hrivnak: It is a planned conservation district so it can be whatever we deem it to be or allow it to be. This gives us that ability. Also, this part of the code is being added as a direct follow up from the Comprehensive Plan which calls for this type of district. If we have this type of district then we have to define what it is. The committee spent quite a bit of time on this, taking the best practices from all around the country. I think it's well crafted. Keep in mind that it is a planned district so we can permit or not permit anything. Finally, I think Dave's example of had someone years ago said that Bartholomew Run and the sheep farm on Olentangy was going to be a conservation district, it would look something similar to that. [Mr. Betz: You would have more open space than that. You look at that as an example. What it can be.] So the Zoning Code Update Committee has recommended that this be approved as a general follow up from the Comprehensive Plan.

Councilman Swartwout: I have a question about building heights. I understand that planned districts are merely suggestions and not hard and fast guidelines. I'm also aware that future councils, based on where we're at now and where this district might be implemented in the future, there's a good chance none of us who are sitting here today will have anything to do with this, so future Councils will go off the text. We have two schedules here, the single family detached or two family attached and they have a maximum building height of 35 and then you have other than single family or two family and that still has a maximum building height of 35. Then we get down to Section (h)(4) where it says, "[N]o building in the district shall exceed 40 feet." Based on the two schedules we have, that seems to cover just about everything from my reading. And then based on what we have here, we have two competing standards.

Mr. Betz: It appears to be something we missed in our preparation. We will change that to 35.

Mayor Lorenz: I like it. I think it's a great job. It's a natural transition. It's nice to see that we are doing all these things that the Comprehensive Plan has called us out to do – Keep Powell Moving, some of the signage, etc. It's good that you guys are able to direct some of your attention on things like this. I think it makes sense to have that option. I know what Jon's saying about concerns, but like in any other planned district, this gives us a boilerplate template to start with and then we can negotiate the entitlements through there. Thanks to the Building Code Update Committee for coming up with that. I think it's a good and natural progression.

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: Before we vote, I really think that we really need to revisit this agricultural, farm animal issue. I understand all of your comments David. I do fully support the conservation district concept. I just am just having a little bit of a problem with the farm animal thing. I understand planned districts, but I also understand the problems we have had with planned districts – they beset us at the

moment. I personally would like to see some revision in that section before we act on it.

MOTION: Councilman Bennehoof moved to remand Ordinance 2017-35 back to the Zoning Code Diagnostic Committee and Planning & Zoning Commission for further review of permitting farm animals. Councilman Bertone seconded the motion.

VOTE: Y 1 N 6 (Bertone, Counts, Hrivnak, Lorenz, Newcomb, Swartwout)

MOTION: Councilman Swartwout moved to amend Ordinance 2017-35 to remove the number '40' from Section (h)(4) on page 7 of Exhibit A and replace it with '35.' Councilman Hrivnak seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Hrivnak moved to adopt Ordinance 2017-35 as amended. Councilman Counts seconded the motion.

VOTE: Y 6 N 1 (Bennehoof)

FIRST READING: ORDINANCE 2017-37: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR DJCF HOLDINGS LLC TO CONSTRUCT A 3,000 SF BUILDING ON AN EXISTING SITE LOCATED AT 18-36 GRACE DRIVE, TO BE USED AS A NANO-BREWERY WITH A PUB.

Mr. Lutz: This is a proposed addition on the east side of Grace Plaza. The proposal is to add 1,500 square feet of warehouse space and 1,500 of retail with a patio extending towards Grace Drive. The new space will be occupied by the Ill-Mannered Brewing Company, which has outgrown their current space in the plaza. Dave will present this proposal to you.

Mr. Betz: Ill-Mannered has grown out of their space in the plaza. In working with the property owner, a plan was produced to place a new building on the east side of their site [indicating] where these pine trees are so that Ill-Mannered can occupy this and be a separate nano-brewery and pub. To the east is the post office. The rest of the center is to the west. The new daycare addition that is being done is almost finished. The applicant has gotten approval from the owners of the post office building for additional plant material to be put in the back end. There is also a shared parking agreement with both the daycare and Grace Drive Plaza.

The building is warehouse in the back for the brewing and the brew pub in the front with a patio. They've planned for the use of food trucks, so there is no kitchen in the building right now and food trucks would be used for the patrons. What is being proposed is a 3,000 square foot building towards the east, using the existing drive access in a circular pattern, and restriping the lot on the east side. Also, they will be doing some storm work. The key to this proposal is the triangular piece of left over right-of-way. When Grace Drive was realigned, that was part of the original plat for Grace Drive back in the early 1980s. So P&Z recommends removal of that right-of-way and that it be given to the Grace Drive property, which is directly in front, so that we can accomplish the building at the setback which is the rest of the building and the patio area.

The existing pine trees are in poor condition so they will be removed and replacements will be planted as well as doing landscaping around the patio area. They will be redoing the storm water control and have met with our Engineering Department which will have a final review of the plan. What's unique about this plan is the patio out front. The sign plan will still have to come back to P&Z, but the patio out front is unique to this area and will help with brightening up that area of Grace Drive. It fits with the size and compatibility of the area and the existing building. It is a good landscape and patio plan. They are not opened late. We've had zero impact from the current Ill-Mannered Brewery and it has been through the P&Z process with no negative comments from neighbors. P&Z has reviewed this at length and recommended approval with the conditions as stated in the ordinance. Applicant is here.

Councilman Newcomb: Is there going to be live music outside?

Matt Franz, Applicant, DJCF Holdings, 20 Grace Drive: Part of their lease would allow them to have live music. Throughout this process, they're really not going to be doing much different than they are already doing, just providing more space for their patrons. I think they will grow into the space, but they have no interest in really changing their hours which is until 10:00 p.m. I'm hoping to build a pretty great patio so that if they want to have a one - maybe guy with a guitar - it would work. But they would never be able to put a full band out

there. While their lease allows them to do those things, they have to comply with City ordinances as far as volume.

Mr. Kambo: This was one of the considerations during P&Z to review this proposal. One of the things we liked with this proposal is that the patio space was as far forward on this site as possible and as far away as possible from the residential units. And, as Dave was going through the landscape plan, you will notice that the trees were planted across the residential units to create a buffer and as much separation as possible.

Mr. Franz: The tree growth in the back between us and the neighborhood is thick. We will add more blue spruce to the existing natural line near the post office. I have already talked with Claire about a plan to extend that line to make it look aesthetically nice and to make a sound buffer.

Councilman Bennehoof: Is there a loss of current parking spaces? I understand about the cooperative parking, but does the building encroach into the current parking lot?

Mr. Franz: Yes, we do lose a whole row here [indicating], but when we re-line everything, we will gain a few back and we add three more spaces to the southeast portion. In the end, there is a net loss of 5 spaces.

[Multiple speakers]

Mr. Betz: The way you see that parking lot is normal during most of the day. Evenings it might pick up a little bit. Currently there is one other restaurant user in the center; however, they are now doing special events [indecipherable]. During the commission review, they [DJCF] talked with Big Hearts, Little Hands, and they are welcome to use that parking lot.

Mr. Kambo: Kudos to all the business owners for working with one another in sharing their parking. It's gone so far that when Gallos has overflow, others allow their patrons to park in their parking lot. There is a lot of great coordination between the business owners.

Councilman Bennehoof: You mentioned the easement would be given back to property owners. It's not a matter of giving the property, it's a matter of releasing easements. [Mr. Betz: Releasing the right-of-way. In a formality situation we will have the Law Director draft up [indecipherable]]. It's not really a transfer of land, it's a release of the right-of-way. [Mr. Betz: Right. It's actually a right-of-way that would be given to them as part [indecipherable]].

Councilman Bennehoof: Is the food truck an Ill-Mannered owned food truck and, if so, where are they going to be keeping it?

Mr. Franz: No. They currently do this now where they bring in different food trucks from all over Columbus. People follow these food trucks around so they can have their favorite food truck and try new locations. I want to be sure that there is a small kitchen in the building whether for a future tenant or for these guys who may come in and take over the kitchen in the winter. It will be all electric – nothing with a hood or fryers. We have a tenant that has a food truck that is on the property but they are separate tenants and he takes his out elsewhere.

Councilman Hrivnak: Dave, you mentioned that the sign has not been through the approval process yet.

Mr. Betz: P&Z will be reviewing the formal sign plan.

Councilman Hrivnak: There are no windows on the east side of the building.

Mr. Franz: There are some upper windows in the warehouse space to allow for natural light. The planned build out on the retail space is that whole east side would be hallways, bathrooms and utilities. We focused our energy on the stuff you will see coming around Grace Drive in both directions. The patio, aesthetically, will be nice. These breweries want that industrial look but they also want as much natural light as possible. One of the main features of patio space is the retail transition through a glass garage door. That way on nice days, the door goes up and provides natural light.

Councilman Hrivnak: Looking at the perspective that showed us driving north on Grace, will I be able to see the blank side of the building? The landscaping kind of stops right at the building.

Mr. Franz: We have that storm collection area between us and the post office. The slope is pretty dramatic just past where the building and electricals will be. As we start to dig up that storm runoff area, we will use some of that soil and grade to build that area up. We are hoping that we may be able to extend the patio portion - the landscaping - to get larger spruce to essentially block more of that side from the northern approach.

Mr. Betz: That drawing shows Grace Drive way over here, but you are coming more straight on than that.

Councilman Swartwout: You mentioned MoJo having a food truck and they often park it there right about where that building is going to be. Do they will plan to park their food truck on that side of the building?

Mr. Franz: I haven't had that conversation yet, but we'll probably move him over to the other side. We have a tall line of spruce trees and we will probably have him park over there. He's talked about wanting to find a better solution because he has to be able to charge his batteries and it's hard right now. I don't have a lease agreement or anything to force him to do anything. It's more an informal relationship.

Councilman Swartwout: I really like the idea of having the kitchen there because one of the things that is so popular now is the idea of popup locations and a lot of very popular restaurants in Columbus started as popups. Having a location where perhaps we can bring some of these new and exciting popups to Powell is really a neat thing for the City.

Mr. Franz: With the size of it, the whole purpose of this is that it can't compete with what we have down here with Kraft House and Prohibition. The idea is not to compete on a food service level, but to have patrons that want to stay a little bit longer, hang out, and have a small plate of food. I pushed really hard to have this space and to build it out. These were four guys who were brewing in their basement. We took a chance on them and now we have an opportunity to see them grow and it's been really exciting. The space will not allow them to be enormous, but it's going to be a great stepping off point for maybe future locations or renting space in Powell to be a bigger warehouse and just brew beer.

Mayor Lorenz: I had a couple of comments. As far as the parking, we have a lot of conversation about parking in the City, especially in the town center area. I wanted to note that this building is 3,000 square feet. It's not all assembly use. What percentage is going to be occupied by the public? [Mr. Betz: 50%, plus the patio.] Just for the record that should be noted in case someone comes in, that this is really what we are basing the parking code on.

I wanted to thank you and your clients for investing further in our City. I believe this adds to the vibrancy of our downtown. This will help with our commercial tax base and is a win-win. It's already a great location. I know Brendan asked about music. I think they have speakers out there right now. [Mr. Franz: I think so. I know MoJo does.] It gives us another little node in the downtown of activity in the evening and helps extend that vibrancy up to this area. I couldn't be more pleased with the decision to reinvest in the City.

Mr. Franz: From living in Powell since the late 80s as a kid growing up here and now owning this plaza, this idea of connecting the dots between us to the downtown area is a concept I hope the City continues to develop because it helps all of us as businesses. It makes things more valuable when people can get more use out of our little space here. There can be retail here. It doesn't have to just be warehouse. We appreciate P&Z, and learning more about it, and seeing their excitement for that idea.

Mayor Lorenz opened this item to public comment.

Joan Bowe, Delaware General Health District: Powell has done such a great job with building and extending bike paths. Is there any availability of putting bike racks at this location? It might be nice to have that as an alternative to driving. You have great bike paths, but if you have no bike racks, that misses the point of it.

Mr. Betz: The next one [development proposal] has bike racks on it. This one we do not.

[Indecipherable].

Mr. Franz from the audience: I'm a big fan. I'm sure there will be something appropriate. We already have people [indecipherable do to distance from microphone.]

Mayor Lorenz: The City invested in some moveable bike lock mechanisms, so that is always an option as well.

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

Councilman Hrivnak: I want to take the opportunity to applaud the parking agreement between businesses. I find that this is a good example of how businesses that operate at different times can share their parking lots to the advantage of all. Thank you for working that out and hopefully you will be an example to others in town to do the same.

Ordinance 2017-37 was taken to a second reading.

FIRST READING: ORDINANCE 2017-38: AN ORDINANCE APPROVING A COMBINED PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR FORD & ASSOCIATES ARCHITECTS/DR. KHAKSARFARD TO CONSTRUCT A RETAIL CENTER ON 1.51 ACRES FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF WEST OLENTANGY STREET AND MURPHY PARKWAY.

Mr. Lutz: Our West Olentangy Street business corridor is starting to become finalized now as several new developments are popping up. This will complete the vacant lot located just west of the Best Friends Vets.

Mr. Betz: The project is located at the southeast corner of Murphy Parkway and West Olentangy Street. Currently the access point is from Murphy Parkway [indicating] and West Olentangy Street where there's an access drive for the vet clinic. At this time, it is a shared access drive for this lot and was anticipated to be so. This property is part of the Murphy Park overall development plan and the 100 acres, when that came in, with the single family subdivision, the condominiums as well as the commercial along the frontage of West Olentangy Street, and Murphy Park. This is the last property and is an infill of this development plan. The plan that is being presented to you follows the requirements within the overall zoning text.

It's an L-shaped building much like the one on the other side of Murphy Parkway. It's actually designed by the same architects and utilizes similar design features. Parking is to the rear of this establishment and there will be a mix of office, service and retail businesses. It is being restricted to no restaurants due to amount of parking available on the site. The developer of this site is currently developing Armita Plaza [across the street] and any restaurants he has will go there. This is the case where the two property owners were not able to come to a parking agreement mainly because the vet clinic does have some extended hours into the evening on most nights and the clinic still has the ability to add on to the east in their development plan.

Going on to the architecture of the building, it is showing the same types of materials, design and construction as the one adjacent to it, including a little tower in the front and stone, brick and cement fiber siding. There are a couple of different things. One is a little post sign as you go into both entrances, a sign band on the lamp. Then integrated at the entrance are sidewalks leading out to the pathway and a seating area for anyone seeking a respite. Extensive landscaping plan considerations were to have the access point off the pathway in several locations here and here [indicating] and continued white fencing along both sides. Underground storm water control issues were reviewed with the Engineering Department and it was moved closer to the back to a better location. Overall, P&Z was very pleased with this design and landscaping. We recommend approval of the development plan per the conditions set forth in the ordinance. The applicant is not here but we will answer any questions you may have.

Councilman Counts: We've seen quite a bit of retail coming into the pipeline, especially along Olentangy Street. What is your sense for demand of retail space given what we know about the retail situation generally?

Mr. Betz: In Central Ohio retail is questionable, with empty retail space all over. Powell is a little unique in that our businesses are very localized retail rather than being regional. One thing that we found is that east of the railroad in the downtown pocket, we have had retailers come and go but we always have people fill in. Same thing at Village Point. Is there a lot of space being built? Yes. Is it too much? I don't think so. I think we are looking at filling in the gaps of what we don't have now. If the demand wasn't there, I don't believe these people would be making such a large investment at this time.

Mr. Kambo: If I may add to that, traditional retail is failing due to online shopping that is decimating the traditional retail. What we have here is unique. Places like Easton are doing very well. It is because people aren't just going there to shop. It's an experience. So when you offer an experience to someone such as our downtown core that has that walkability and bike paths, we have become a destination. It is creating a place that people want to come, walk and shop, and hang out similar to the Short North or Grandview. I believe this gives us a competitive advantage over a lot of other places.

Mr. Betz: I think you will see more of a mix of services along Olentangy versus purely retail.

Mr. Kambo: Having these spaces now may help us in the future when people don't want to drive an hour into downtown [Columbus], but instead have satellite offices out this way.

Councilman Counts: I have a concern that it will only really attract services and not normal retail. I wonder just how many dentists and insurance agents we can support.

Mr. Betz: Certainly it is a concern. We have talked about it at the office quite a bit. One of the things that our Comprehensive Plan, in terms of this information, does is recommend that we look at a market analysis for the City and see how we should react to future business recruitment. [Mr. Lutz: Facilities is one factor]. Yes it is one of the things we would like to see happen as a next step and is one thing that we've touched upon at the CIC.

Councilman Hrivnak: It is the same developer that is across the street so I guess I'm not as worried as if it were two [different] developers.

Councilman Bennehoof: The parking agreement didn't go forward. I get some of that but not entirely. So that probably negates any chance of a trash combination point for the two?

Mr. Betz: We can still try to talk them into that, but at this point, no.

Councilman Newcomb: I had a couple of comments on the design. Are the entrances on W. Olentangy Street? I see doors there.

Mr. Betz: Some retailers may choose to utilize those as entrances. Most of them will not because most retail set up has a back room area for restrooms and storage. However, it is being designed in a fashion to look like it was done across the street.

Councilman Newcomb: I'm just surprised they designed it like that because when you think about walkability and walking up the block, you may just want to look into the window and if you see something, walk inside. [Mr. Betz: They don't display things across the street.] Yeah. And then you have to go around and go in that way.

Mr. Kambo: I think they did it purely because of the whole flex space idea that maybe for them, that unit may be better served from the rear than the street face. Your point is very well taken, but I think as Dave said, on Murphy Parkway you can still see that there are doors there, but they are not used as doors. It's making these spaces more versatile.

Councilman Newcomb: Are they going to extend the multi-use path?

Mr. Betz: Yes. It gets extended and there are access points from that path into the center where there will be bike racks and seating.

Councilman Newcomb: Will that just be along Olentangy Street?

Mr. Betz: It will not go down Murphy because there's a path on the west side already.

Mr. Kambo: As we were talking with the developer, we said we need to not have this street face and then a building. We want to have this interplay between the two that people feel comfortable moving in and around it. That was the idea of the cut out area on the corner.

Councilman Swartwout: It says here that restaurant tenants and/or other uses with high demand parking shall be prohibited unless an agreement was reached. What would be considered 'other high demand parking uses' that would come to mind?

Mr. Betz: Ice cream shops that are retail, a bar, coffee shops, party room. There is really no active drive through ability either.

Councilman Bertone: Does the vet clinic have plans to expand to the east?

Mr. Betz: On their development plan there is the ability for them to add some square footage to the east as well as expand the parking lot.

Councilman Bertone: So in terms of their reluctance to share parking, is it strictly based on that or is there something else?

Mr. Betz: It's that they have extended hours. They don't want to have that intrusion into their parking lot when they have later hours. This pictures shows what happens over there [indicating]. Staff is parked in back lot, keeping these [spaces] open for patrons. We talked with the doctors and they decided not to go forward with it.

Councilman Bertone: There is overflow across the street? It's not ideal, but...

Mr. Betz: Yes, there is public parking over here that is utilized from time-to-time.

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

Ordinance 2017-38 was taken to a second reading.

FIRST READING: ORDINANCE 2017-39: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017.

Mr. Lutz: We have several appropriations and financial items. Debra will review this one with you.

Ms. Miller: In August we received our second settlement for property taxes and TIF payments. One of the TIF agreements is for the Ganzhorn/Spectrum complex for sewer where we reimbursed them up to \$1.2 million on their sewer investments that they did. Based on the TIF revenues we collect, we had an appropriation of \$44,000 and it needs to be a little higher. I am asking for an additional \$1,000 appropriation.

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 Bennehoof moved to suspend the rules in regards to Ordinance 2017-39. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-39. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-40: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2017.

Ms. Miller: The Park & Rec program is self-sufficient. It's been collecting higher and higher revenues each year. As they continue to increase their revenues, we have to increase their ability to spend that to pay for the class expenses. We are asking for an additional \$30,000 for that purpose.

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 Bennehoof moved to suspend the rules in regards to Ordinance 2017-40. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved to adopt Ordinance 2017-40. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-41: AN ORDINANCE DECLARING THE NECESSITY OF, DETERMINING TO PROCEED WITH, AND LEVYING ASSESSMENTS FOR THE PURPOSE OF IMPROVEMENT, CONSTRUCTION, AND RECONSTRUCTION OF THE PUBLIC SEWER MAIN INFRASTRUCTURE ON THE NORTH SIDE OF POWELL ROAD AND ON PROPERTY OWNED BY VERONA LLC AND KNOWN AS THE VERONA SUBDIVISION, AND DECLARING AN EMERGENCY.

Mr. Lutz: This ordinance pertains to the Verona site, which hosted the Parade of Homes recently, and for which the sanitary sewer is being provided through a special assessment. This is an ordinance that we will bring to you every year for the new homes that have come on line since last year. This will add to the assessment as they will begin paying their annual fees.

Ms. Miller: This is the second year and it runs until we are paid off. The first estimate was approximately 7 years but I will recalculate after we get monies next year and project in that third year to see where we are at.

Councilman Bertone: What happened to 9261 Baytree? We have a house one year and then no house the second year. Did something happen to the house?

Ms. Miller: Somehow we got a partial occupancy on that house and there wasn't one. I don't know if the address was written down wrong on the occupancy or if it was something else.

Councilman Bennehoof: The grayed out areas are to be established houses?

Ms. Miller: Yes.

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 Bennehoof moved to suspend the rules in regards to Ordinance 2017-41. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved to adopt Ordinance 2017-41. Councilman Bennehoof seconded the motion.

VOTE: Y 7 N 0

FIRST READING: ORDINANCE 2017-42: AN ORDINANCE REJECTING ALL BIDS FOR THE PARK AT SELDOM SEEN ROAD IMPROVEMENTS.

Mr. Lutz: This is an item that was reviewed and discussed at great length in Operations tonight. We did open up bids for the Park at Seldom Seen Road and received three bids that varied in cost from \$3.34 to \$4.4

million. The low bidder had to withdraw their bid because they did not meet the bid specs. They were unable to self-perform 50% of the work. The bids have come in higher than we have funding for the park so we are recommending rejecting the bids.

At tonight's committee meeting we talked about what to do going forward. We discussed rebidding the project and trying to take advantage of a better time to go out to bid or not having as tight a timeline for certain items to be completed. We also talked about utilizing a negotiated contract which we have the ability to do being a Home Rule municipality. After the discussion, the Operations Committee has recommend that we proceed looking at a negotiated contact with the desire to look at being able to do some of the site work, maybe underground work, this fall into winter and doing the vertical work in the spring.

Councilman Bertone: Steve did a fantastic job summarizing the entire conversation we had tonight at Operations. The committee did walk away with a recommendation of pulling these bids off the table moving towards a negotiated contact.

Councilman Bennehoof: I agree and strongly recommend we move to exercise our Home Rule authority, go to a negotiated bid, and also hope we can perhaps look for local resident vendors that might be available to do some infill work like the tree clearing.

Mr. Hollins: We will be working harder in the coming weeks because we may be able to bring you something at the next Council meeting.

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 Bennehoof moved to suspend the rules in regards to Ordinance 2017-42. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bennehoof moved to adopt Ordinance 2017-42. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

COMMITTEE REPORTS

Development Committee: Next Meeting: September 5, 2017, 6:30 p.m.

Finance Committee: Next Meeting: September 12, 2017, 7:00 p.m.

Operations Committee: Next Meeting: August 15, 2017, 6:30 p.m. In addition to the discussion of Seldom Seen Park, we discussed the left-hand turn restriction at the Four Corners. All agreed moving forward to making the 4-7 pm left turn restriction permanent.

Planning & Zoning Commission: Next Meeting: September 13, 2017, 7:00 p.m.

Powell CIC: Next Meeting: Next Meeting: TBD

Zoning & Building Code Update Diagnostic: Next Meeting: August 22, 2017, 6:00 p.m.

CITY MANAGER'S REPORT

I do recommend that this coming Saturday, August 19th, at 8:00 a.m. we hold a special City Council meeting in Executive Session regarding pending or imminent litigation. I do not anticipate any action to follow that meeting. I would also recommend that for tonight's Executive Session, we remove pending or imminent litigation.

OTHER COUNCIL MATTERS

Mayor Lorenz: I received and had some communication with a Liberty High School student and copied all of you on that email. She is interested in setting up City Youth Council. I know when Art was the Mayor, he had that as one of his subcommittees and it worked pretty well. I'd like to meet with her to explore it with her. If anybody has a strong feeling against it, please let me know.

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

MOTION: Councilman Bennehoof moved at 8:55 p.m. to adjourn into Executive Session in accordance with O.R.C. Section 121.22(G)(1), Personnel Matters and O.R.C. Section 121.22(G)(2) Purchase of Property for Public Purposes (Land Acquisition). Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Newcomb moved at 9:35 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0


MOTION: Councilman Counts moved to appoint Shaun Simpson to the vacant seat on the Planning & Zoning Commission which expires on December 31, 2017. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

ADJOURNMENT

MOTION: Councilman Hrivnak moved to adjourn the meeting at 9:36 p.m. Councilman Counts seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: September 5, 2017



Brian Lorenz
Mayor

9/8/17

Date



Karen Mitchell
City Clerk

9-11-2017

Date



City Council

Brian Lorenz, Mayor

Jon Bennehoof

Frank Bertone

Tom Counts

Jim Hrivnak

Brendan Newcomb

Daniel Swartwout