



City of Powell, Ohio  
City Council

**MEETING MINUTES**

**March 5, 2019**

**CALL TO ORDER/ROLL CALL**

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, March 5, 2019 at 7:30 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Brian Lorenz, Brendan Newcomb, Melissa Riggins and Daniel Swartwout. Also present were Steve Lutz, City Manager; Eugene Hollins, Law Director; David Betz, Development Director; Megan Canavan, Communications Director; Karen J. Mitchell, City Clerk; and interested parties.

**PLEDGE OF ALLEGIANCE**

**CITIZEN PARTICIPATION**

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

**APPROVAL OF MINUTES – [February 19, 2019](#)**

MOTION: Councilman Lorenz moved to adopt the minutes of February 19, 2019. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted.

**FIRST READING: [ORDINANCE 2019-10](#):** AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR THE CAMBER COMPANY, LLC TO CONSTRUCT 21 RESIDENTIAL UNITS ON 5.366 ACRES AT 185 N. LIBERTY STREET. ([EX. A](#))

Steve Lutz, City Manager: This past fall, this proposed 21 single family home development was discussed and has gone through the P&Z Commission ("P&Z"). It is located immediately south of Adventure Park on the west side of Liberty Street. Mr. Betz will review the proposed recommendations from P&Z.

David Betz, Development Director: This project has been through review by both P&Z and our Historic Downtown Advisory Committee ("HDAC") as well as the Development Committee when we were discussing aspects of this plan where the roadway connected to Adventure Park Drive and we needed clarification from the Ohio Department of Natural Resources ("ODNR") about the Land & Water Conservation Fund grants that we received. We did get that clarification from ODNR that the road connection there was ok to do.

The property is located to the south of the pool at Adventure Park. In our Comprehensive Plan this is slated for the Downtown Residential development, which is what is being proposed. Access from Adventure Park Drive would come with a street and another connector to the south with the eventual development of that property. That would eventually connect to existing Depot Street. The location of that road has been coordinated with that property owner to the south.

The plan is for 21 single family homes. The lots are village-style lot sizes, about 53 feet wide. There will be landscaping and tree plantings, a bike path connection along the railroad, and the style of homes fits with our HDAC guidelines as cottage, two-story homes. They will be built by Romanelli & Hughes.

We have the existing bike paths in our park. The developer will provide sidewalks on both sides of the street through the subdivision and connect the pathways from the park, along the railroad, to a future connection to the old village.

P&Z unanimously approved this final development plan with conditions as stated in Section 1 of the Ordinance. A representative is here to answer questions.

Councilman Newcomb: Is the bike path to be connected to the north or is that something we are going to have to....[Mr. Betz: There will be a connector into that, yes.] With the water retention pond, is that part of this development or is that on separate property?

Mr. Betz: It will be on both properties. This will be a maintenance responsibility of this developer and the HOA with an easement on that other property.

Councilman Newcomb: What about sidewalks and landscaping of Morris Court?

Mr. Betz: The sidewalks will be the responsibility of the homeowners, just like any other subdivision, and the open space areas will be maintained by the HOA. We will maintain the pathways as we do throughout the City.

Councilman Newcomb: [Condition] Number 1 mentions a common access driveway. What's that about?

Mr. Betz: There is some property reserved west of a stream that goes through the property to the east from which they are buying this property from those property owners. There is an area that a house could be built on in the future. We would reserve an easement on the plat when this comes through for a driveway so that it wouldn't come in over the stream. That was the only consideration – if something were to happen back here with another structure and a driveway was needed, it would come off this road instead of over the stream.

Councilman Newcomb: The Comprehensive Plan says no cul-de-sacs, no dead ends, but yet we have one here.

Mr. Betz: This is a unique situation because of the railroad tracks, having a roadway access. There is enough lots on here where you want to have the ability to allow a fire engine to have access and be able to turn through the cul-de-sac, and we didn't have another way to make that connection there. We looked at different layouts and this was the best layout for having Depot Street to extend to this.

Councilman Newcomb: Are we going to have any striping on the crosswalks at Adventure Park Drive & Liberty Street, Adventure Park Drive & Morris Court, and Morris Court & Depot Street?

Mr. Betz: Yes. That will be part of the engineering plan.

Councilman Newcomb: On Depot Street, the initial plans had sidewalks and trees on both sides. Now I just see a sidewalk on the west side, not the east side, and I don't see any trees there.

Mr. Betz: There are trees in the planting plan around here, but the sidewalk is only on one side. This road will have to come around and shift over, and there is nothing that's going to happen on this side of this property except perhaps just some undeveloped green space or some storm water retention. It was chosen to have one sidewalk come down to Depot Street on the west side. That's the area that is most suited, as you go south through the existing Depot Street area, to have a sidewalk in front of Nocterra Brewing.

Councilman Newcomb: At the end of that, there is a sign going to go up saying there's going to be a future road here. When does that sign go up?

Mr. Betz: It will go up before the houses begin being built.

Councilman Newcomb: The plan said that there would be an insignificant number of students added to the district. How do they come up with that number?

Mr. Betz: That is something perhaps the developer can answer. They are aiming this at empty nesters.

Chris Bradley, Developer, 6760 Cold Court: I think the product type is set up to be targeted that way [toward empty nesters]. There isn't any restrictions and no guarantees, but I think the history on this type of product that Romanelli & Hughes has built quite a bit of here recently, is the type of buyers that we are seeing. It's a ranch product, not family-oriented or driven. We can't guarantee it, but history has shown that is who ends up purchasing these properties

Councilman Newcomb: Did we do an economic analysis on this development?

Mr. Betz: We did not run the numbers with the new model with price points being in the \$475,000 range. Any price point of residential homes with a higher price point than \$375,000 becomes a positive. However, I would be happy to do that for the second reading for you.

Councilman Counts: With these lots being so close to the railroad tracks, is there anything in the building or the type of products being used to take into account the nearness to the railroad tracks? If so, does that happen to all the homes or just the ones closest to the tracks?

Mr. Bradley: One of the things we are trying to do is to buffer that area with landscaping, which will offer both a visual and sound barrier. There is really nothing product-wise that we are doing with the construction to do that. I would say that the Code has come a long way with exterior walls being 2x6 instead of 2x4, which helps with insulation and things of that nature. The builder has experience building near tracks and, while it's not the most favorable thing in the world, it will eventually become white noise.

Councilman Counts: Dave what is the height of the tracks compared to homes?

Mr. Betz: The tracks are substantially higher than the grade. There are sound deadening materials in the building construction if they choose to use it.

Councilwoman Riggins: Because of the closeness to the railroad tracks, is there any consideration for the vibrations caused by the trains for settling of those houses that are closer to the tracks?

Mr. Bradley: Not that I am aware of. They will have a structural engineer look at all these plans and if that is warranted, it would be flagged at that point in time. But I don't know the answer to that off hand.

Mr. Betz: In our experience here, we haven't experienced anything unique to that with the other subdivisions near the tracks, such as in Murphy Park, Rutherford Estates, and Woods of Powell.

Mayor Bennehoof opened this item to public comment.

Les Wibberly, 5005 Bayhill Drive: Will the trail along the tracks be open as part of the development? [Mr. Betz: Yes.] Is there a plan to extend that further south?

Mr. Betz: Yes, eventually when it develops.

Mr. Wibberly: The trail coming off of Liberty Street and going around the pool is pretty heavily used, so I assume that the crossing at the entrance of the development will be a safe crossing?



Mr. Betz: Yes. It will be an ADA-accessible crossing with a painted, striped crosswalk.

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

Ordinance 2019-10 was taken to a second reading.

**FIRST READING: ORDINANCE 2019-11:** AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR SECTION 2, PHASE A, FOR THE SMITH FARM AT CARPENTER'S MILL, BY PULTE HOMES OF OHIO, LLC, FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF STEITZ ROAD AND HAROLD DRIVE. ([EX. A](#))

Mr. Lutz: This Ordinance and next Ordinance typically appear on the Consent Agenda. This subdivision is located on the east side of Steitz Road between Rutherford and Home Roads. Last year construction began on the west side. The plat identifies where the streets and other public improvements are located. This was reviewed and approved by the P&Z Commission last week.

Councilman Lorenz: Hunter's Bend connects into Hunter's Bend within the township. At some point in time when they approved this, there was conversation regarding a connection that was similar...[Mr. Betz: It's a wine bottled design going into their street. It has been reviewed by the residents in Hunter's Bend, and...] Great. That's all I needed to know.

Regarding the bike path...[Mr. Betz: The Steitz Road improvement, which is going to happen along with the other permits this year, includes a 10 foot pathway along Steitz Road. There are paths going in around this open space and sidewalks so the whole pathway system will interconnect.] Okay.

Mayor Bennehoof opened this item to public comment. Hearing none further, Mayor Bennehoof closed the public comment session.

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2019-11. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2019-11. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2019-12:** AN ORDINANCE APPROVING THE SUBDIVISION PLAT FOR SECTION 2, PHASE B, FOR THE SMITH FARM AT CARPENTER'S MILL, BY PULTE HOMES OF OHIO, LLC, FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF STEITZ ROAD AND HAROLD DRIVE. ([EX. A](#))

Mr. Lutz: The previous Ordinance was for Phase A. This is for Phase B. It's also between Rutherford and Home Roads, along the eastside of Steitz Road. It identifies where the streets and other public improvements are going to be located. It was also reviewed and recommended by the P&Z Commission last week.

Mayor Bennehoof opened this item to public comment. Hearing none further, Mayor Bennehoof closed the public comment session.

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2019-12. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to adopt Ordinance 2019-12. Councilman Swartwout seconded the motion.

VOTE: Y 7 N 0

**FIRST READING: ORDINANCE 2019-13:** AN ORDINANCE TO VACATE A DRAINAGE EASEMENT, LOCATED ON REAL PROPERTY OF RECORD IN PLAT CABINET 1, SLIDE 481, IN THE RECORDER'S OFFICE, DELAWARE COUNTY, BEING LOT 1899, CARRIAGE HILL, AND DECLARING AN EMERGENCY. (EX. A)

Mr. Lutz: This is related to the 11 lots in a single family development off of Carriage Place which was approved at a recent Council meeting. For the developer to close on the property, the drainage easement needs to be released. Per the development plan, it will be developed with the storm water control which was approved as part of the development.

Councilman Newcomb: The Ordinance mentions a landscape buffer easement. Is it necessary to take that too?

Mr. Betz: No, that is a drafting error and should be removed.

Mayor Bennehoof opened this item to public comment. Hearing none further, Mayor Bennehoof closed the public comment session.

MOTION: Councilman Counts moved to amend Ordinance 2019-13 in the first 'Whereas' clause to strike out the words "and landscape buffer easement exist" and insert in its place the word "exists."  
Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2019-13. Councilman Bertone seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

MOTION: Councilman Counts moved to adopt Ordinance 2019-13. Councilman Bertone seconded the motion.

VOTE: Y 6 N 1 (Newcomb)

#### COMMITTEE REPORTS

**Development Committee:** Next Meeting: March 5, 2019, 6:30 p.m. We met tonight. We discussed the City's efforts to establish an open container district. We had a lot of good conversations with many of the local establishment owners about some of their concerns and considerations.

**Finance Committee:** Next Meeting: March 12, 2019, 7:00 p.m.

**Operations Committee:** Next Meeting: March 19, 2019, 7:00 p.m.

**Planning & Zoning Commission:** Next Meeting: March 13, 2019, 7:00 p.m.

**Powell CIC:** Next Meeting: March 6, 2019, 6:00 p.m.

#### CITY MANAGER'S REPORT

There was none.

#### OTHER COUNCIL MATTERS

There was none.

**EXECUTIVE SESSION:** O.R.C. Section 121.22(G)(3) Pending or Imminent Litigation, and O.R.C. Section 121.22(G)(8) Economic Development.

MOTION: Councilman Counts moved at 7:55 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(3) Imminent or Pending Litigation and (8) Economic Development. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

Councilman Swartwout excused himself prior to discussions.

MOTION: Councilman Newcomb moved at 9:20 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

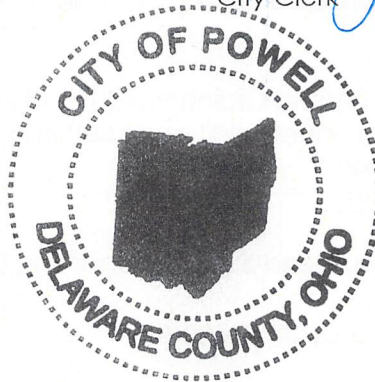
VOTE: Y 6 N 0

#### ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 9:20 p.m. Councilman Lorenz seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

**MINUTES APPROVED: March 19, 2019**

<u>Jon C. Bennehoof</u>	<u>4/2/2019</u>	<u>Karen J. Mitchell</u>	<u>4/3/2019</u>
Jon C. Bennehoof	Date	Karen J. Mitchell	Date
Mayor		City Clerk	



#### City Council

Jon C. Bennehoof, Mayor  
Frank Bertone      Tom Counts      Brian Lorenz      Brendan Newcomb      Melissa Riggins      Daniel Swartwout