



**CITY COUNCIL
MEETING MINUTES
April 2, 2019**

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, April 2, 2019 at 7:31 p.m. City Council members present included Jon C. Bennehoof, Frank Bertone, Tom Counts, Brendan Newcomb, Melissa Riggins and Daniel Swartwout. Brian Lorenz was absent. 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.

Bob Lamb, Delaware County Economic Development Director: I wanted to provide you a brief update on where the county is at with the Ohio State project along Sawmill Parkway. We have been notified that the CFO has been designated to sign the Development Agreement between Powell, Delaware County and Ohio State. They will be signing it as soon as they are able to clarify some of the last terms with the property owner on the acquisition of the site.

In addition, we are just about ready to finalize the letter back to both OSU, the Schottensteins, and the City of Powell regarding the traffic impact study for the area. We are looking at approximately \$3 million in infrastructure improvements along Sawmill Parkway, as well as Home Road. We will be working with the various partners on these two projects in order to designate costs and properly address the infrastructure improvements that are needed. We are planning to take those infrastructure improvement items through the Transportation Improvement District ("TID") which the county created last year. We believe that this will be the best approach to being able to keep costs under control. We are currently hoping to finalize engineering plans at the end of 2020, with construction beginning in 2021. We understand that this meets OSU's timeframe for opening their facility. I will be happy to answer questions.

Mayor Bennehoof: Will all the monies that the county is collecting be expended in the area of the development?

Mr. Lamb: Yes, with the monies through the TIF agreement that was established. It is the intent for those funds to go to the infrastructure improvements associated with the various projects that are occurring along the Sawmill Parkway and Home Road area.

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

APPROVAL OF MINUTES – March 19, 2019

MOTION: Councilman Newcomb made one correction to page 3, third paragraph. Councilman Counts moved to approve the minutes of March 19, 2019 as amended. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the minutes were adopted as amended.

FIRST READING: ORDINANCE 2019-18: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR ROMANELLI & HUGHES/THE CAMBER COMPANY, LLC TO CONSTRUCT 11 RESIDENTIAL UNITS ON 4.01 ACRES AT 2770 CARRIAGE ROAD. (EX. A)

Steve Lutz, City Manager: Dave will provide a review regarding this proposed development, which has gone through Planning & Zoning Commission. The developer and his team are also here.

Councilman Swartwout: I will be recusing myself from any discussion or consideration of this particular Ordinance.

Dave Betz, Development Director: This proposal is a follow up from the rezoning done earlier this year to make this property Planned Residence District. The plan creates eleven single-family lots coming off Carriage and Liberty Roads. Carriage Road goes into the elementary school area, Mendolin Way going down to Woods of Powell North, and directly across from there will be private streets for this development. None of these homes back to Liberty Road as outlined in our Comprehensive Plan. The site is a leftover piece of property from when Woods of Powell North was developed. The property owner decided to keep this property at that time, but now wishes to sell it and this developer wishes to build these homes.

Homes are to have similar characteristics as the project off Adventure Park Drive you saw recently. The layouts are intended to be for empty nesters, are mostly single floor plans, and will be done in size and price point similar to that as Woods of Powell North.

One issue that came up in working with the county engineer on the traffic pattern for the area, looking at what might happen, the county engineer looked at what sort of improvements to do at the intersection of the school because of the traffic congestion during the beginning and end of the school day. The county prefers a roundabout there and they have provided us with an initial design for it. P&Z did condition this development with working with the applicant on what right-of-way would be needed. It does not affect the layout of the property except to shave off a little corner of it. The right-of-way is in the county jurisdiction except for Carriage Road, west of Liberty Road, which is in the City.

We did a financial analysis and it was provided to you tonight. It came out positive mostly due to the private streets instead of public streets.

Mayor Bennehoof: What is the timeframe for the development of that roundabout?

Mr. Betz: They do not know yet. They are just now getting into studying that intersection.

Gary Smith, G2 Planning & Design, 720 E. Broad St., Columbus: I am here representing Romanelli & Hughes and Chris Bradley with the Camber Company. We are here tonight to continue the work we started with Staff, P&Z and you with the preliminary development plan through the zoning process and are now back with the final development plan and final details for this development.

Before we get started, I did want to issue an apology. This site was under that federal regulation – the deadline being yesterday - for the Indiana bat. We did not actually get our federal permit until the 27th so we were in a rush to get that done. It was my job to coordinate which trees needed to be preserved as part of the development and notify the City. In the rush, we did not get that done. It was our fault, so I wanted to apologize for not notifying the Staff that they were going to be out doing that.

Mr. Betz: Just to clarify, they cleared some trees on the site, but they did preserve the ones that were to be in the preservation zone. Everything is good there; they just should have notified us first before clearing it.

Mr. Smith: This is similar to the zoning we came forward with earlier. The configuration of it really has not changed. What we have done is added many of the details and we have addressed many other things that the Planning & Zoning Commission has asked us to do.

We have added a lot more detail to the entry features. We have included stone columns, three-rail fencing, and details identical to what is in the development across the street. We are trying to maintain a lot of consistency with what is over there to make a uniform appearance. P&Z asked us to put a fence down this section [indicating] of the property line because that entry to the school is directly adjacent to the property and just to help give our

property some definition. We also brought that fence out and around the retention pond because there was some concern at P&Z that kids would wander off the sidewalk and go over to the pond, so we have encapsulated the pond. We have also added some landscaping around that. We have updated the buffering and mounding along Liberty Road and added mounding and additional buffering to the property to the back with the school. We have added the sidewalk as requested along Carriage Road and we have added the bike path as requested along Liberty Road. The only other change was to locate a mailbox kiosk to serve the entire development and we located that at the tip of the of the park space where it would be centrally located to all eleven units.

Mr. Betz: The post office is requiring kiosks instead of mailboxes in new developments.

Mr. Smith: It has been a subject of a lot of contention. The post office has said that they are no longer going to deliver to individual mailboxes in any development that is a platted subdivision. While it has been happening with apartments for a long time, the post office is now delivering to one spot in any new platted subdivisions, so we have to locate mailbox kiosks at a strategic location in our development. The BIA has been working with the post office to try to do away with that but a lot of the larger builders have already started complying so the BIA just decided not to continue to fight it anymore. Interestingly, they will continue to deliver packages to front doors, just not letters.

Our mail kiosk area has a stone-roof structure that will house that kiosk. The stone matches the entry columns. The entry columns will have an insignia on them and placard for Carriage Cove. Those will have very low voltage lights to light the columns. We have landscaping around the perimeter to help accentuate that feature.

The park is ringed by flowering ornamental trees. This is the view of the front looking in with columns and flowering shrubs, and fencing with shade trees out along the front.

We also made some changes to the architecture and elevation. Most of them were small details on bracketing and some of the other finishes. I am happy to answer questions.

Councilman Newcomb: Staff did recommended a walkway in the park area since there was not sidewalks in there. What happened with that walkway?

Mr. Smith: We wanted to keep that open. We talked through that with P&Z and P&Z was fine with what we ultimately ended up with given all the other improvements we made. We really wanted that to be an open area only for people to walk their dog or get out a bit. It is not that broad [an area].

Mayor Bennehoof: Is there a pad at the mailbox kiosk?

Mr. Smith: Yes. There is a little sidewalk pad there that lets you get out of the street as you are accessing that mailbox, but with a private development of eleven homes, there is not going to be a considerable amount of traffic and one can park in your driveway and walk down there and back.

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

Councilman Newcomb: I do have a concern about Number 13 [of the Final Development Plan]. We have seen this a lot where it says many of the developments are not going to have any impact on the schools. We have eleven single-family houses right in front of an elementary school and middle school. I really find it hard to believe that we are not going to have any new student enrollment. I think we have seen this repeatedly. This paragraph has almost become boilerplate in every final development plan that I have seen.

Councilman Bertone: I want to go back to the fiscal analysis. This piece is important. All of us see these now for each one of the efforts that come before us and it helps us get a good thumbs-up, thumbs-down view of this thing. The nature of this development, as I understand it, is empty nester. When you look at the property tax of the average [homeowner], I think it was \$10,000 or so, this is an extremely conservative estimate. What is not in this analysis are any form of inspection fees - those are temporal, your one type of costs that the City will have some net revenue, but an expense to the homeowners themselves. However, the school has a factoring system for what they would estimate for the number of projected students for the total number of units. Therefore, if it is eleven units and they have their .28 factor for residential, you are talking about three students.

Mr. Betz: For regular single-family homes, it is higher. For something like this, I believe it is higher than the .2, which is for apartments. [Councilman Bertone: Do we know what that number is Dave?] I can get that to you for the second reading, but I believe it is .85 for a regular single family home. If it were for empty nesters, it would be less than that so you are still looking at less than eight students.

Councilman Bertone: And these parcels, they are still paying property taxes, of course, so they will benefit our schools further. To that end, it is important for everyone to understand that from an overall cost point of view, it may be neutral in this conversation. There are broader developments that are in play today that may have different conversations for to have down the road.

Mr. Betz: We did meet with the representative of the school district regarding pathway locations, coordinating that with them.

Mr. Smith: The point is a good one. A lot of research has been done on these because the type of development that we are proposing here is an empty nester development. The houses are geared toward people, who have a lot of equity and money to spend, but they do not want to spend it on space, they want to spend it on finer finishes. So the houses are not huge, there is no yard; there is no places to play. What typically happens in terms of children is we do not have people buying these houses to bring in their children. If there are children, normally it is because at some point there was a breakdown in the family where grandparents are raising the kids for some reason. The homes are not attractive to buyers with children, but it does happen sometimes.

Councilman Newcomb: I mentioned that last time when we had a development. Powell Grand, we said, was going to have no children. There are 80 children from Powell Grand. It is actually three times the figure that the school district gave us. So again, I think you can say empty nester, we are not going to have any kids, but the fact is if we actually look at developments, there are a lot of kids. At Powell Grand there is a \$123,000 deficient every year.

Out of curiosity, I just looked at the enrollment from the time I moved here. In October 2011, there were 1,597 students at Liberty. There are now 2,157 students. At Liberty Middle School, right near this development, in October 2011 there were 799 [students]. There are now 1,036 [students]. At Wyandot Run there were 610 [students], there are now 696 [students]. In 7 ½ years, at Wyandot, you have had an increase of 86 [students]; at Liberty Middle an increase of 237 [students]; at Liberty High School an increase of 560 [students]. One more student into an overcrowded situation is not good. I think there will be more than zero students from this development at each of those three schools.

Councilman Bertone: To that point, you are correct. There will mostly likely be a student or two added. At the end of the day, we work in partnership with the schools. We also work in partnership with our township partners who are going about a mass building exercise of their own. I think our partnership with the school board is important to understand. We take into account everything that they are offering us in terms of guidance. I too have kids like you in the same school system and we are very concerned about the overall numbers. To that effect, I give you a lot of credit. As it relates to this specific development, I do not see any kids coming out of this development. I am trying to look at the broader picture and to your point, but also understand as it relates to this specific effort.

As it relates to Powell Grand, that is rather unique in my opinion. I think a lot of folks who live in Powell Grand are also building homes elsewhere in the community and are in a temporal situation where they have a short term lease while waiting for that home to be finished. There are kids that move in and move out. We have net change reports where we can see how many people come and go at those properties. That would be worth looking into from a committee point of view. However, as it pertains to this development – eleven units – I am not sure I am going to see eight kids.

Councilman Counts: One of the issues we have is a strong body of law that says you cannot discriminate based on familial status. As much as someone might want to prohibit kids in any particular housing situation, you cannot do that. It is something we have to live with.

We also know from the Vogt Study that Powell needs a different set of housing to fit unfulfilled needs and empty nester housing is one of those. In order to have empty nester housing, we have to have the possibility that one or

two of these homes might have children. Where I think we would be remiss is if we took this piece of property and put in traditional single-family homes, which is exactly what we do not need, because those are the [type of] homes that fill our schools regularly. We know that that is what is going to happen. Because we have the need for empty nester housing, we do have a risk that one or two of these homes might have a child, but I think it is worth doing that because we need to have housing other than the traditional single family homes that are built all over the City.

Mayor Bennehoof: What is the price point range and your price per square foot?

Jim Ohlin, Land Acquisition & Development Manager, Romanelli & Hughes, 148 W. Schrock, Westerville: I wanted to provide Councilman Newcomb another perspective on his question. First, the price point averages around the low \$500,000. The thing that is important to note about this is not only is the home going to average at a high price point, the price per square foot is going to be extremely high. These are going to be between 1,700 to 2,300 square feet for the first floor, with potential to add bonus rooms or a basement, but it is a big base, so it is an extremely expensive product to build. All the yards will be taken care of by a homeowners' association, so there will be no swing sets or Tykes toys. The yards will be manicured, with the HOA taking care of the landscaping and mowing. So a buyer [with children] could buy one of these, there is nothing to prohibit it, but for someone to spend \$525,000 on a home for a family, there are so many other wonderful options that can give them two-story homes in areas where they can have a yard for their children to play. This is not one of those communities. When I look at this particular project, I can feel as comfortable as I can feel from a student standpoint, that this would be very, very difficult for someone to choose this community to raise a family.

Mayor Bennehoof: I have a saw that I play every week and it is about too many residential rooftops in the county. We have 98% residential rooftops in the southern tier and 96.8% in the county overall. This is a housing platform that we need; but another housing platform that we need is attainable housing. I do not mean affordable housing, I mean attainable housing, and that is not it. Maybe Romanelli & Hughes is not the builder to do that, but I want someone to come in and say we have some attainable housing for the community. Thank you for coming in tonight.

Ordinance 2019-18 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: *Next Meeting April 2, 2019, 7:00 p.m. We met tonight to pick up our conversation on the establishment of a DORA within the downtown district. We are working on framing our next steps and efforts to execute that.*

Finance Committee: *Next Meeting: April 9, 2019, 7:00 p.m.*

Operations Committee: *Next Meeting April 16, 2019, 6:30 p.m.*

Planning & Zoning Commission: *Next Meeting: April 10, 2019, 7:00 p.m. We will be reviewing a plan for a new business at 204 S. Liberty Street, in front of Village Academy Preschool, for Buckeye Painting who is moving their business into Powell.*

Powell CIC: *Next Meeting: TBD*

CITY MANAGER'S REPORT

Mr. Lutz: At the last Council meeting, you received a request from Ashmoore HOA to serve alcohol at their annual picnic. As directed by Council, we had discussions with the City's liability carrier who put together some parameters that we could recommend Council to consider regarding such a request. These include: limiting consumption to beer and wine; to make such request only available to HOAs; that the event be held at the city park in the vicinity of HOA; the dates and hours must be identified; the HOA must identify boundaries where alcohol is permitted; to require the HOA to be responsible for collecting all litter after the event and have a refundable deposit; not permit alcohol to be consumed in parking lots; and the HOA must name the City as an additional insured for \$1 million dollars.

Mayor Bennehoof: With respect to number 5, must identify boundaries, is that by roping it off?

Mr. Lutz: No. It would not be a firm boundary, it is just in their application to identify the area where the event will happen and that the HOA is responsible for containing consumption in that specific area.

Mayor Bennehoof: How would we police this?

Mr. Lutz: It would be policed if there were a complaint. We would not be assigning a police officer to monitor it.

Councilman Swartwout: What is the approximate cost for the \$1 million dollar liability coverage?

Mr. Lutz: I do not know the exact cost, but it would be minimal. The City also has insurance that covers us for such occurrences, so this is just additional.

Councilwoman Riggins: Has there ever been a request like this before?

Mr. Lutz: Not that I know of.

Councilwoman Riggins: In conversations with Staff, was there any concerns expressed about doing or setting this precedent?

Mr. Lutz: It certainly is something different. I think it was Tom who suggested at the last meeting that we look at identifying some rules and regulations to be considered [if we permit this]. My approach is that if you are interested in trying it, we can try it. We can find out if there are unanticipated consequences or not.

Councilman Swartwout: Would it be possible to have a representative of the HOA come to a meeting and explain what they are looking to do and the parameters of the event?

Mr. Lutz: It would be helpful and I can reach out to them.

Councilwoman Riggins: Do you know of any other cities that do this or something similar?

Mr. Lutz: It is not unheard of. I do not know what individual cities' policies are. However, not all cities prohibit this. It varies.

Councilman Counts: A couple of things stand out for me. I am like Melissa and not sure, this was something I wanted to do. However, I think you have come up with some good rules here.

The first thing I think about is whether this is beer and wine that the association buys to have available for everybody or is it a bring-your-own and you consume in this area? To me that makes a difference to how I feel about it. If it is an HOA-sponsored event where people are coming and bringing their stuff, I think that is fine - that HOA picnic where you are just consuming. What I would not want to see is for the HOA to have some sort of blowup things or a beer tent, etc. That has a different kind of feel to it. So I question how far down the road for a sponsored event that should be.

Mayor Bennehoof: I think it would be disingenuous for us to be considering a DORA and not at least consider this. I agree with Tom that I do not know how I feel about a beer tent or potentially fundraising through the event, etc. With regard to requiring the event to be located at a park in the general vicinity, how do you determine that? Should it be the nearest park to the HOA? Not every neighborhood has a park in it.

Mr. Lutz: That requirement was one that I put in there just to keep the HOAs close to their community. However, like you said, we do not have parks adjacent to all HOAs, but there is Murphy's Park, Village Green, and I would consider those to be in the general vicinity.

Mr. Bennehoof: Overall, it is a good, complete set of guidelines, other than the question of vicinity.

Councilwoman Riggins: I am struggling with this because they want to do this in a public park. I have seen where communities have blocked off cul-de-sacs and they have the party within that cul-de-sac. So why, when there are other alternatives, do we need to do this? I agree with Dan that we need to have someone come in from the HOA and talk to us about their request.

Councilman Newcomb: I think Ashmoore is unique with Meadowview Park because a lot of homes abut the park and the pond is right there. There are no fences and homeowners' backyards just flow into Meadowview Park. So I think it is probably a natural place for everyone to get together. But we can hear more from the HOA

representative.

Councilman Bertone: From a DORA point of view, our intent is event-specific to start with. This is a community park. What has been asked of Staff has been delivered. In that regard, we asked for a framework of what could work and what cannot work. We obviously want to understand what our liability is, but also paint a picture for folks to understand what rules there are. I think we still maintain some measure of control over this process so it is not just an arbitrary yes to everything. We have an opportunity now to engage [with the community] in what they want to do, how do you want this to work and it is not slamming the door in anyone's face. I am comfortable with it. What we should discuss is what parks we can permit this within because we have Seldom Seen opening up and it is a broader family appeal, there will be other events going on, and that may not be a place for this type of thing. However, for a community-based park, theme specific within a given area, I think our liability can be addressed. I also think the HOAs need to be aware of what their cost could be with liability insurance.

OTHER COUNCIL MATTERS

There was none.

EXECUTIVE SESSION: O.R.C. Section 121.22(G)(1) Personnel Matters, 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 8:23 p.m. to adjourn into Executive Session pursuant to O.R.C. Section 121.22(G)(1) Personnel Matters, O.R.C. Section 121.22(G)(3) Pending or Imminent Litigation, and O.R.C. Section 121.22(G)(8) Economic Development. Councilman Bertone seconded the motion.

VOTE: Y 6 N 0

Councilman Swartwout left the meeting prior to adjourning from Executive Session.

MOTION: Councilman Newcomb moved at 9:45 p.m. to adjourn from Executive Session into Open Session. Councilman Counts seconded the motion.

VOTE: Y 5 N 0

ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 9:45 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: April 16, 2019

Jon C. Bennehoof 4/25/2019 Karen J. Mitchell 4/29/2019
Jon C. Bennehoof Date Karen J. Mitchell Date
Mayor City Clerk

