



**CITY COUNCIL
MEETING MINUTES
June 18, 2019**

CALL TO ORDER/ROLL CALL

A regular meeting of Powell City Council was called to order by Mayor Jon C. Bennehoof on Tuesday, June 18, 2019 at 7:31 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; Megan Canavan, Communications Director; Dave Betz, Development Director; Debra Miller, Finance 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.

Brittany Zoecklein, Delaware General Health District: If you live in a community where you have a community pool, we are inspecting those right now and [the results] are available online.

We just conducted our age-friendly, Delaware County, demographic questionnaire. It looks at ages 55 and older and how we can help improve their aging process, likes and dislikes, etc. Based on the results, we cross-reference with eight bigger picture domains, and come up with a strategic plan to help with that process. I brought a copy of the assessment for you and gave it to the clerk. ([Exhibit 1](#))

Along with pools, we wanted to remind the City that splash pads with recycled water requires a license from our office so we can check the disinfectant levels. Splash pads are hard to keep clean. We offer suggestions for measures that can be taken to help keep the splash pad sanitary. Regardless of whether you use recycled water, we recommend signage.

Mayor Bennehoof: I assume the age survey is on your website?

Ms. Zoecklein: We wanted to present it to our subdivisions first before we go public, but it should be public soon.

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

APPROVAL OF MINUTES – June 4, 2019

MOTION: Councilman Counts moved to approve the minutes of June 4, 2019. Councilman Swartwout seconded the motion. Council members Bertone, Newcomb, and Lorenz abstained. By unanimous consent of the remaining members, the minutes were adopted.

CONSENT AGENDA

Item

- Departmental Reports – May 2019

Action Requested

Receipt of Electronic Reports

- [Dream Catcher Hospitality LLC dba Locust Table](#) (Armita Plaza) Waive Hearing
- [Scioto Creations, Inc. dba Pinots Palette](#) (Armita Plaza) Waive Hearing
- [Ordinance 2019-26](#): AN ORDINANCE APPROVING THE SUBDIVISION PLAT OF HARPER'S POINTE, PHASE 1, BY ARLINGTON HOMES, FOR THE PROPERTY LOCATED AT 2480 EAST POWELL ROAD. ([EX. A](#)) Adopt
- [Ordinance 2019-27](#): AN ORDINANCE APPROVING THE SUBDIVISION PLAT OF HARPER'S POINTE, PHASE 2, BY ARLINGTON HOMES, FOR THE PROPERTY LOCATED AT 2480 EAST POWELL ROAD. ([EX. A](#)) Adopt

MOTION: Councilman Counts moved to adopt the Consent Agenda. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

FIRST READING: [ORDINANCE 2019-23](#): AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2019. ([EX. A](#))

Debra Miller, Finance Director: The City has a Compensated Absent Fund that reserves, for employees age 60 or older, the compensated balance that would be due when they retire. We recently had an employee that was over 60 who retired. We have a balance in the Compensated Absent Fund that we need to transfer to the General Fund, Police Department, to pay those expenditures.

Councilman Lorenz: In your summary you say "assist in paying for his payout." What specifically constitutes the payout?

Mrs. Miller: It is for his [unused] vacation and sick leave.

Councilman Counts: We heard this at Finance Committee earlier tonight and we recommend its adoption.

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

MOTION: Councilman Counts moved to suspend the rules regarding Ordinance 2019-23. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

MOTION: Councilman Bertone moved to adopt Ordinance 2019-23. Councilman Lorenz seconded the motion.

VOTE: Y 7 N 0

FIRST READING: [ORDINANCE 2019-24](#): AN ORDINANCE ACCEPTING THE ANNEXATION OF 11.555 +/- ACRES, MORE OR LESS, LOCATED AT THE CORNER OF HOME AND STEITZ ROADS, FROM LIBERTY TOWNSHIP TO THE CITY OF POWELL. ([EX. A](#))

Steve Lutz, City Manager: This Ordinance and the next Ordinance are related to one another. We recommend both be taken to a second reading.

On March 19th, City Council passed a resolution specifying municipal services to be furnished to this undeveloped tract of land if it were to be annexed into the City of Powell. It is located on the northwest intersection of Home & Steitz Roads. The next Ordinance will include the proposed development for this tract of land.

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

Ordinance 2019-24 was taken to a second reading.

FIRST READING: ORDINANCE 2019-25: AN ORDINANCE APPROVING A FINAL DEVELOPMENT PLAN FOR HOME STEITZ LLC TO CONSTRUCT A MIXED-USE DEVELOPMENT OF COMMERCIAL, RESIDENTIAL AND A LIBRARY ON 11.555 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF HOME AND STEITZ ROADS. (EX. A)

Mr. Lutz: This proposed, mixed-used development plan has been recommended for approval by the Planning & Zoning Commission. Dave Betz will provide an overview of the proposed development and representatives of the applicant are here tonight as well.

David Betz, Development Director: The property is located at the northwest corner of Home and Steitz Roads. The property is traversed by a high-tension power line and easement which goes diagonally across the tract.

The proposal includes a future library site. There is a detention/retention pond beside the high-tension wires. The proposal includes two small retail/office use buildings. There are limitations of type of use – more neighborhood types of uses – which are outlined in the Development Plan. Entrance to the development is off Home Road. There would be a right-in and right-out located closer to the intersection, a full access point located on the west side of the property, and right-in and right-out off Steitz Road. Behind the commercial area are townhomes, apartments, garages, and a clubhouse.

P&Z reviewed this over several meetings. At first there were plans for other uses here. The sentiment of the surrounding residents recommended talking to the library about a new site. Once the library came on board and the plan was revised to include residential, many of the neighbors are generally in favor of the project with the conditions as stated in the Ordinance, as well as some landscaping/buffering issues.

John Wicks, Real Property Design & Development, Applicant: Our Final Development Plan includes the residential and commercial/office parts, but not the library. Once the library has their building and site designs, they will come back in front of you with that for approval of their portion of the site. They are here to speak to any concerns you may have.

We did receive conditional approval at P&Z and we concur with those conditions. We are very excited with how the project has come together with considerable community input and collaboration from the City and the neighbors. We are excited that the library will be the cornerstone of the development. We think that the three different uses will play well together. Gary Smith of G2 Planning is here with me to answer any questions about the plan.

George Needham, Director of the Delaware County District Library: I am here to reiterate that we are committed to this location. The Board has approved us to negotiate the purchase of the land. We are currently waiting for bids from architects, which should come in before the end of this week and the construction manager of risk by July 1st. We think this will meet the needs of Powell/Liberty Township communities quite nicely. It is far enough away from the current location on S.R. 23 and is in a position where the population is actually moving in this area. We hope to get moving on the building and have it opened by mid-2021. We realize we have to go back to Planning & Zoning for this separately and then to you for final approval.

Mayor Bennehoof: How many square feet and how many stories [does this have]?

Mr. Needham: We are looking at approximately 20,000 square feet and two stories. The two stories will allow us to have enough parking and green space. It may also have a basement as well, but it will not affect the height.

Mayor Bennehoof: Do you anticipate the architecture will be complimentary to the surrounding development?

Mr. Needham: The Orange branch is our statement library. We are looking at something that will match the neighborhood. We want it to fit the community.

Councilman Counts: While we do not expect this to happen, if the library would somehow pull out, with respect to a replacement, what is your sense of how that might integrate with the rest of the layout?

Mr. Betz: We discussed this with Planning & Zoning at length. Instead of having the library there, we would have additional commercial space.

Councilman Counts: Is it unique to have a multi-family and commercial development phased in and built before the library is done or before we may even see a plan for the library? Is that concept unique for us or is that something that does not raise any flags?

Mr. Betz: When you have a quasi-civic use involved in a situation like this, it will run slower than a private development would. With the way the library board is acting, it looks as if this is going to happen pending any outstanding issues with the land itself, such as an old nuclear reactor site there or some other physical property problem. That is unlikely since it was a farm field and had no previous structures on it. It is a little unusual for us, but the comfort level is strong.

Mr. Needham (from the audience): I would add that we did do a site analysis to ensure that the land would sustain the library and it came back very positive. We also have the money in-hand to buy the land as soon as the developer has purchased it. The likelihood of us pulling out of this is very slim. We love this site and have a great relationship with Mr. Wicks. We look forward to moving this forward.

Mayor Bennehoof opened this item to public comment.

Les Wibberley, 5005 Bayhill: I attended a number of the reviews [at P&Z]. I believe that in the course of those reviews the developer agreed to 10-foot wide trails on the peripheral streets. The exhibit that is online still shows 8-foot trails. I just wanted to reiterate that 10-foot is the standard.

Mr. Wicks: We are committed to a 10-foot wide path along both Home and Steitz Roads. The civil engineering drawing show it as 8-feet and the architect drawing shows it at 10-feet.

Mr. Wibberley: Since this is a library and will be the destination for many people, could we extend the trail east to the Sawmill Parkway trail? I know Powell owns the land on the south and Liberty Township owns the land on the north, so I do not know how that will be negotiated, but that would be a really nice thing to be able to ride, run, or walk to this library.

Mr. Betz: In the discussions we have had with the County Engineer related to the improvements of Home Road and OSU Hospital, the County Engineer is planning a path that will run the length of Home Road to Sawmill Parkway and actually over to Liberty Park. That is being worked on and will be included as part of the improvement plan for Home Road.

Mr. Wibberley: Across the street is Horsepower Farms, which is part of Powell now. He has a trail shown there.

Mr. Betz: He has a 10-foot trail going across his length.

Traci Jenkins, 4319 Home Road: I live near this project. I am worried about construction, traffic, noise,

and trash. I am not only speaking for myself but for my neighbors and the whole length of Home Road. With Horse Power Farms coming in, I am very nervous about these things. We also need to consider the school traffic and the safety of the kids. Is there construction noise laws that limit the time that they can work?

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

Ordinance 2019-25 was taken to a second reading.

COMMITTEE REPORTS

Development Committee: *Next Meeting: July 2, 2019, 6:30 p.m. We have not met since May, but we will pick up the conversation on the DORA and other various projects we have.*

Finance Committee: *Next Meeting: June 18, 2019, 6:30 p.m. We met earlier tonight. You already heard about one of the items we discussed. At a previous meeting, we directed Staff to give us a list of urgent projects, repairs that need to be made in the City. We have identified one that we believe that should be funded and that is the repaving of the parking lot at Adventure Park. We have a number for that and are recommending that Staff go ahead and do that.*

Operations Committee & Public Forum on Four Corners Turn Restrictions: *June 18, 2019, 6:00 p.m. Tonight. We met earlier this evening and held a public forum to discuss possible additional left-turn restrictions at the Four Corners. We had a healthy discussion with a variety of comments from both residents and business owners. The plan is for the Operations Committee to review those, get together, and make recommendations to Council at the next meeting on July 16th.*

Councilman Lorenz [continued]: On another matter, I would like to get a thumbs up/down from Council. One of the items we talked about was dealing with the Street Market closure. As you know, we had a Street Market closure on May 8th. There is a second one to be held in September. Discussing with Staff and a Committee, we were not able to reach a consensus. It has been requested that we lessen the time that Olentangy Street would be closed – 10 am – 4 pm on that Sunday and instead of doing the State Route detour, we would do local detours. We would like to get a thumbs up or down on how you feel about that if we want to go forward. The reason I ask now is for planning purposes.

Mr. Lutz: You spoke with Andrea from the Street Market and needed a determination so the Street Market knew whether to proceed with an event this fall or not. The Committee talked about this today and was going to continue discussions next month.

Mayor Bennehoof: Was [Interim] Chief involved in the discussions?

Mr. Lutz: Yes.

Mayor Bennehoof: What are the implications of local v state detour?

Mr. Lutz: When a state route is closed, the state detours traffic onto other state routes, not through local streets. When local municipalities close a state route, they have the option to detour traffic on to local roads. A state project will never detour onto local roads.

Councilman Lorenz: We have a case study that Worthington does this regularly.

Councilman Swartwout: What was the issues causing the lack of consensus?

Councilman Newcomb: Melissa [Riggins] and I were there and felt that since Brian was the Chairman that he should weigh in on it. There was discussion that Depot Street would really be used as that local detour and I do not know if everyone was comfortable with the volume that might proceed through that street during this time period.

Councilman Counts: I personally believe that North Liberty should be the street that is closed off because then Grace Drive can be the detour. It keeps the detour to a minimum. I don't think that not having it on Olentangy Street affects the businesses along there. I think you can still do that. Most of the businesses are primarily on one side. I think that would be the easy answer to this.

Councilman Swartwout: So keeping State Route 750 [Olentangy Street] open and only closing North Liberty Street up to Grace Drive would be your suggestion.

Councilman Counts: That is correct.

Councilman Lorenz: I have given that a lot of thought myself. Since this is our only second official closing of streets, I would be in favor of trying that and recommending that to the Chamber. It alleviates many problems with logistics.

Mayor Bennehoof: I also think that is a great idea. It could extend up to where the Chamber is, perhaps, and the rest of the road would have to be closed. It makes sense.

Councilman Bertone: I would be in favor of [closing] North Liberty St. We tried the Powell Road location earlier this year. We had some success with it but I think going forward with North Liberty Street as a test will be a good way to determine which way works best. Safety-wise, I think you position people in a better spot that way then you would going along SR 750.

Councilman Lorenz: And they could just park in the grass and walk their way up and naturally filter into the other businesses along the way.

Councilman Counts: Was there any feedback from the vendors about having the street closed?

Megan Canavan, Communications Director: At the Street Market, we received very positive feedback from the vendors of having Olentangy Street closed versus having them in the parking spots [along Olentangy Street] and still having traffic moving on Olentangy Street. It was imposing a lot of safety issues and vendors not feeling the safest having customers stepping off the curb and into the street to look at products.

Councilman Counts: Is it your sense that it was having the street closed or Olentangy Street closed that made it a success?

Mrs. Canavan: I do not think I got the sense from that. I think it was mostly because there was a street closed off to motorists who were traveling through there. I do think having the proximity to the municipal parking lot was helpful for the people who were coming down here to the Street Market and the vendors that participated in the event as well as our stores directly on Olentangy Street. On Liberty Street, you would be looking at the cemetery and the carryout parking lot.

Councilman Swartwout: What were the big issues with the way we did it last time with the redirection of the state routes? What prompted the re-examination of that?

Councilman Lorenz: The biggest hurdle is the cost of signage. The City's not in a position to pay for any signage for that and we have made that clear to the Chamber.

Councilman Newcomb: Signage was going to be about \$7,000.

Councilman Lorenz: As you are aware, we were able to kill two birds with one stone last time with having the construction signs for the Four Corners. We are just not in the position to financially support that

endeavor.

Mr. Lutz: Nor are the Chamber or CIC.

Mr. Betz: If you do close Liberty Street, I would also recommend that you allow the Chamber full use of the public parking lot at 44 N. Liberty. You have an agreement with some businesses there and I think you have the ability, per those agreements, to close that for public use if you need to for events.

Councilman Lorenz: From what I am hearing it sounds like we have two options to present back to the Chamber: (i) North Liberty Street closing; or (ii) close as desired but the Chamber must fund the signage.

Mr. Lutz: On N. Liberty Street going north, is there a spot where it should be stopped?

Mr. Betz: When we looked at it, we only looked at it up to Hall Street. Now the west side of that street is empty so they could go further in front of the cemetery and not have any impact. You could close it from Case Avenue. That would allow people to get to Adventure Park Drive from the north for the swimming pool and using Grace Drive as an alternative.

Planning & Zoning Commission: Next Meeting: July 10, 2019, 7:00 p.m. We do not have anything new at this point.

Powell CIC: Next Meeting: TBD. We met on May 29th and had some discussions regarding the income tax ballot last November – a post mortem. [Mr. Betz: We had slated the possibility of having Council members come here next Tuesday for a joint meeting to discuss next steps at 6:00 p.m. The CIC is very interested in how to proceed from an economic development standpoint.] We can follow up with a more detailed email tomorrow.

CITY MANAGER'S REPORT

It must be Powell Fest week since it is raining every day. We hope it dries out for Friday and Saturday.

OTHER COUNCIL MATTERS

Councilman Lorenz: Last night at their meeting, the Township discussed possibly lowering the speed limit on Rutherford Road from 45 mph to 35 mph. There was a comment made that the development that is going in off Steitz Road, Carpenter's Mill, was not going to have a bike trail. I just wanted to go on the record that this development does have a bike trail and crossing.

Mr. Betz: A 10-foot trail. It just does not go all the way to Rutherford Road.

Mayor Bennehoof: Wasn't there recently an accident on Rutherford?

Councilman Lorenz: Yes, at Millwater and Rutherford Road.

Mr. Wibberley: Along those lines, the OPAL trail group has proposed for a number of years a trail along Rutherford Road to start at Bayhill and head east to meet up with the trail that Powell has built coming from Sawmill Parkway. That road has a lot more traffic and distracted drivers going faster and faster. There are a lot of developments there with walkers, runners or cyclists and it is becoming dangerous.

The cyclist you refer to was hit and has a skull fracture. We really want to get a trail built along there as soon as we can. One request is the trail coming from Sawmill Parkway heading west stops at Tricia Price, just short of the corporate line. If Liberty Township built the trail out on the western part, could Powell extend the trail west to the City/township border? We have an assessment from Delaware County Engineer. We will be discussing that at our trails meeting.

Councilman Lorenz: Can you get us a copy of the engineering assessment?

Mr. Wibberley: Sure. To summarize it, they recommend building it on the south side of Rutherford because, from an engineering perspective, straightforward and has more available right-of-way. The estimate was about a half million dollars.

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 8:14 p.m. to adjourn into Executive Session pursuant to and O.R.C. Section 121.22(G)(1) Personnel Matters; O.R.C. Section 121.22(G)(3) Imminent or Pending Litigation; and (8) Economic Development. Councilman Bertone seconded the motion.

VOTE: Y 7 N 0

Councilman Swartwout excused himself at 8:50 p.m. and left the meeting.

MOTION: Councilman Counts moved at 9:10 p.m. to adjourn from Executive Session into Open Session. Councilman Bertone seconded the motion.

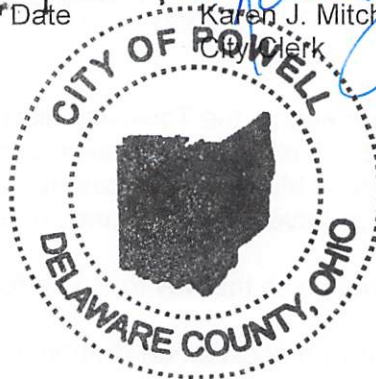
VOTE: Y 6 N 0

ADJOURNMENT

MOTION: Councilman Counts moved to adjourn the meeting at 9:10 p.m. Councilman Bertone seconded the motion. By unanimous consent of the remaining members, the meeting was adjourned.

MINUTES APPROVED: July 2, 2019

Jon C. Bennehoof 7/3/2019 Karen J. Mitchell 7/3/2019
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