

VILLAGE OF POWELL COUNCIL

January 18, 2000

A regular meeting of the Village of Powell Council was held on January 18, 2000, and called to order at 7:30 p.m. by Mayor Mark Klein. Other Council members present were Richard Cline, William Nolan, George Kaitsa, Art Schultz, and Peggy Guzzo. Dave Chambers was absent. Also present were Stephen A. Lutz, Village Manager; Dawn Nauman, Clerk of Council; Ken Molnar, Director of Law; Rob Rice, Village Engineer, residents and representatives of the press.

HONORING RICHARD CLINE

Mayor Klein presented Richard Cline with a plaque for his service as Mayor of the Village from 1998 to 1999. He said that in addition to his Council duties, Mr. Cline took the lead several projects, including the acquiring a new computer system and phone system for the Village. He said that Mr. Cline was also a leading force in the budget process, and is one of the reasons for the three-year projections now included in the budget. He said he admires the way that Mr. Cline handled meetings, particularly those that were the most difficult. Mr. Cline thanked the Village for the honor. He said that serving as mayor has been a pleasure, and it could not have been easier because of the support from Village Staff.

APPROVAL OF MINUTES

The minutes of January 4, 1999 were amended and approved.

CITIZEN PARTICIPATION

There was none.

RESOLUTION 2000-02: A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES FOR FUNDING THE SCIOTO RIDGE SCHOOL PATHWAY CONNECTOR THROUGH THE RECREATIONAL TRAILS PROGRAM.

Stephen A. Lutz, Village Manager, said that David Betz, Director of Development, has found a grant to pay for the majority of a bike path from the Woods at Big Bear Farms nature preserve to Scioto Ridge Elementary School. The grant would pay for 80%, and the Village and the Olentangy School District would pay for the rest. The Village's portion would be about \$3,500. Mr. Lutz said that the award will be announced late spring or early summer.

MOTION: Mr. Cline moved to adopt Resolution 2000-02. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

RESOLUTION 2000-03: A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SUBMIT A GRANT APPLICATION TO THE STATE OF OHIO OFFICE OF CRIMINAL JUSTICE SERVICES TO PROVIDE FOR OVERTIME AND/OR POLICE EQUIPMENT.

Stephen A. Lutz, Village Manager, said that Chief of Police Gary Vest would like to submit an application for this grant for police equipment or overtime. It is anticipated that the grant would be for \$6,000 - \$8,000, and that the Village would have to pay for 10% of any expenditure. He said that this money would have to be used for items that have not been budgeted.

MOTION: Ms. Guzzo moved to adopt Resolution 2000-03. Mr. Kaitsa seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2000-01: AN ORDINANCE ADOPTING A ZONING MAP AMENDMENT FOR 15.689 ACRES OF FR-1, LIBERTY TOWNSHIP FARM RESIDENCE DISTRICT (ANNEXED IN 1992) TO PR, PLANNED RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT THE NORTH EAST CORNER OF VILLAGE PARK DRIVE AND SELDOM SEEN ROAD OWNED BY BUS GENERAL PARTNERSHIP AND FURTHER ADOPTING A ZONING MAP AMENDMENT FOR 7.753 ACRES OF FR-1, LIBERTY TOWNSHIP FARM RESIDENCE DISTRICT (ANNEXED IN 1992) TO PR, PLANNED RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT THE NORTH WEST CORNER OF VILLAGE PARK DRIVE AND SELDOM SEEN ROAD OWNED BY BUS GENERAL PARTNERSHIP.

Ken Molnar, Director of Law, said the applicant for this rezoning has submitted a letter requesting that this issue be sent back to the Planning and Zoning Commission (Exhibit). He said that he told the applicant that they will need to go back through the public hearing process if what is presented to the Commission represents a substantial change from the current state of the application. Mike Yashko, attorney for the applicant, was present to discuss the issue.

Mr. Molnar said that the request to remove this issue from the agenda was made before the meeting, and he is hard pressed to tell the applicant that he can't withdraw because it is their property. He said he was most concerned about the time restraints on Council when they receive something from the Planning and Zoning Commission. Mr. Kaitsa asked if it is correct that withdrawing the application stops the clock on Council having to act on this issue. Mr. Molnar said it does. The item was removed from the agenda.

COMMITTEE REPORTS

Development Committee: Mr. Kaitsa reported that the next meeting will be held February 1 at 6:30 p.m.

Finance Committee: Mr. Kaitsa reported that the next meeting will be held February 10 at 8:00 p.m. He said the Committee met last Thursday to review the end of year report. He echoed the Mayor's comments about Mr. Cline's vision and guidance within the finance committee. He reviewed the recap of the Village's finances from 1999. He said that they finished the year ahead in revenue due to larger than expected personal income tax, inheritance tax, and interest earnings. He said that the major non-appropriated item shown was the transfer for the Village Green council chambers renovation, and the grading and seeding of the Village Green site. He said the Village is on sound financial footing. He said the only other larger than expected expense item is related to litigation expenses.

Mr. Kaitsa said that the Finance Committee had a preliminary discussion on a pedestrian underpass under the railroad at South Liberty Street. He said the Finance Committee would like to suggest using a special projects fund appropriation to start the engineering work for that underpass, to represent a strong statement to the residents of Grandshire that this is a priority.

Ms. Guzzo said she is in favor of the crossing, and she would like to put away \$200,000 for the next three years to pay for the project. She said she would rather not spend any of the \$150,000 until they are closer to being able to finance the entire project.

Rob Rice, Village Engineer, reviewed the process for creating a request for proposal on an engineering design for this underpass. He said that the amount usually discussed when talking about this project is \$750,000, but that plans are necessary to obtain for a more firm cost. Mr. Cline asked if Mr. Rice could write a scope of services for work that will provide the design and construction costs, and what will be charged for those services. Mr. Rice said he could. Mr. Cline said he thinks that is needed.

Mr. Nolan suggested that Council wait until it is determined that this project is at the top of the Capital Improvement Projects priority list. Mr. Cline said that the special funds being considered can only be used for this project.

Mayor Klein asked if it is correct that Staff will first define the scope of services and second contract with an engineering firm to determine the cost of the project. Mr. Lutz said that after the Village Engineer completes the scope of services, they will receive proposals from engineering firms who will identify how much they will charge to design the project. At that point, the issue will come back before Council.

Mr. Cline said that the request for proposal should include where the path will be built, how it should be built, and the materials, labor costs, and construction costs. Mr. Lutz said that the report will be detailed enough to be used for a bid document later. Mr. Kaitsa said that is what he would expect. Mr. Schultz asked if the document will include alternatives for location. Mr. Rice said it will. After further discussion, Council gave their thumbs up to Mr. Rice moving forward with the request for proposal.

Administration Committee Mayor Klein said the group met this evening and had a presentation from the Board of Health regarding the need for Powell to consider acquiring health services once they reach city status.

Mr. Kaitsa asked what issues Council needs to focus on when the Village becomes a City. Mr. Lutz said there are two significant issues. The first is whether the Village will create their own health department, or become a partner with the Delaware City/County Health Department. The second issue has to do with the civil service process and creation of a civil service commission.

Commissioner Schultz asked if it is correct that becoming a city will not happen unless the village initiates it. Mr. Cline said that it is dependent on the census, which should be certified by spring of 2001.

Ms. Guzzo said the next Administration Committee meeting will be held on February 15 at 6:30 p.m.

MUNICIPAL MANAGERS REPORT

Stephen A. Lutz, Village Manager, noted the information provided to Council regarding holding a goal setting session.

Mr. Schultz, Mr. Cline and Mayor Klein all spoke in favor of having a facilitator.

Mr. Nolan said he is generally opposed to consultants, but he doesn't feel extremely strong about this issue. Mr. Kaitsa agreed. Ms. Guzzo said she thinks Council can have a session without a facilitator, but if it is impossible to come to a consensus, one could be hired at that point.

After further discussion, Council decided to continue with a goal-setting session without a facilitator. Mayor Klein asked that Staff provide an outline to Council a week from this evening. He said that Council can review that information, make any revisions, and create an outline to be used as a model for running the meeting.

NEEDS ASSESSMENT

Stephen A. Lutz, Village Manager, said that \$10,000 was appropriated for a Police Department Needs Assessment. He said that Council has been provided a proposal to complete that survey.

Ms. Guzzo, Mr. Kaitsa, Mayor Klein, and Mr. Cline all spoke in support of this proposal.

Mr. Nolan said that he feels there is not enough information in the quote to justify a \$7,000 expenditure. He said that he doesn't want to pay for architectural drawings on three different concepts, and he questioned whether they are included. Mr. Lutz said they are. Mr. Nolan questioned whether "initial feedback" can be given for a lower cost. Mr. Kaitsa echoed Mr. Nolan's concern. He added that the certification of the police department is a very important issue.

Mr. Lutz noted that this needs assessment study will be a committee process, and that Mr. Nolan and Mr. Kaitsa have both expressed an interest in serving on such a committee. After further discussion, Mr. Nolan indicated that some of his concerns are alleviated due to this being a committee process. Mr. Schultz said that his experience on the committee to create the Comprehensive Plan leads him to believe that the committee members involved in this project will not be surprised by the direction of the study. After further discussion, Council agreed to move forward with the process, with the request that the proposal be amended to include accreditation standards and requirements.

COMMUNITY MEETING ROOM

Mr. Lutz prefaced this discussion by noting that he is the president of the Powell Area Chamber of Commerce, which is a conflict of interest. He said that the Chamber of Commerce has requested to use the Village Council Chambers for their annual Wine Tasting fundraiser. He said that Council still has not adopted rules and regulations for the use of the community meeting room, and he would like Council's opinion on whether alcohol should be permitted on a case by case basis.

Mr. Cline said that considering these issues on a case by case basis makes sense. He said he would not oppose this specific request.

Mr. Nolan said he feels very strongly that no alcohol should be served in this building. He said he feels it will be difficult to draw the line on when it is appropriate. Additionally, there are liability issues.

Mr. Schultz said he is in favor of trying it out. He said that many things originally held at the North Park will be moved to the Village Green at some point, and that includes Sertoma there selling beer. He said he agrees with a case by case approach. He said that he does not oppose this specific event.

Mayor Klein said he is also in support of the event. He said that he does feel this should be handled on a case by case basis. He said that the fact that applicants will have the necessary permits and insurance also helps him support this. Mr. Kaitsa agreed. He said that this event is being done in conjunction with Kroger who has been

very supportive of the Powell Festival. He said these issues should be handled on a case by case basis and should have some general public purpose.

Ms. Guzzo said her "gut instinct" is that alcohol should not be allowed. However, the limitation of facilities in the Village is a problem, and this event will benefit the Village. She agreed that these issues should be handled on a case by case basis.

Mayor Klein noted that with five in favor, the request is approved.

MUNICIPAL MANAGERS REPORT (CONT.)

- Mr. Lutz reviewed the resumes for the vacant Parks and Rec. position. He said that two candidates have been interviewed already, and there is a third that has not. Council agreed to interview that candidate at 7:30 p.m. The Council meeting will then start at 7:45 p.m.
- Mr. Lutz said the Village has received notification from Franklin Flag and Banner that they have a commercial flagpole available at a reduced price and with free installation due to a cancelled order. He said it would be appropriate for the Village Green. Mayor Klein said he would support purchasing the flagpole with the condition that Staff makes 2 phone calls to verify that this is a good price.

FINANCIAL REPORTS

The Accounts Payable was marked received.

OTHER REPORTS

The Monthly Police Report was marked received.

PLANNING AND ZONING REPORT

Mr. Schultz reported that the Planning and Zoning Commission is still working on the issue of the Historic District Commission (HDC) oversight at the Planning and Zoning Commission level. He said they are trying to balance the request of Council and feeling of the HDC, which is not enthusiastic about oversight. He said that at the last meeting, the idea of a pocket veto was discussed, and that will be considered at the next meeting.

Ms. Guzzo said that the Historic District is the Village's "prized possession," and that Council should have an overview. Mr. Nolan said it strikes him as odd that the Planning and Zoning Commission is negotiating with the HDC about this. He said he would support a pocket veto if it makes sense, but he feels this is a Council role, rather than that of the Planning and Zoning Commission. He said that Council has a broader perspective.

Mr. Kaitsa said that this issue was modeled after the fact that the Planning and Zoning Commission is made up of appointed officials as opposed to elected, and when the Planning and Zoning Commission takes action, they make a recommendation to Council before it is final. Mr. Nolan said that he does not think this will lead to micromanaging.

CLERK OF COUNCIL CORRESPONDENCE

Dawn Nauman, Clerk of Council, noted that the 2000 Roster is complete, and that this year it includes email addresses and Homeowners' Association information.

ACTION ITEMS

99-19 Grace Drive Extension:

Stephen A. Lutz, Village Manager said that Staff hopes that all agreements regarding the Grace Drive extension are expected to be complete in three weeks. Rob Rice, Village Engineer, said that one issue which hasn't been addressed yet with this project is that the road will cross a federally regulated flood way, and application needs to be made to FEMA on that issue. He said he has begun that process.

99-18 Relocation of Downtown Electric Poles:

Mr. Lutz reported that he and the Law Director will be meeting with the property owner and AEP about this issue next week. He said they will report back at the next meeting.

OTHER COUNCIL MATTERS

