

VILLAGE OF POWELL COUNCIL

APRIL 18, 2000

A regular meeting of the Village of Powell Council was held on April 18, 2000, and called to order at 7:35 p.m. by Vice President George Kaitsa. Other Council members present were William Nolan, Richard Cline, Peggy Guzzo, Art Schultz and Dave Chambers. Mayor Mark Klein was absent. Also present were Stephen A. Lutz, Village Manager; Dawn Nauman, Clerk of Council, David Betz, Director of Development, Ken Molnar, Director of Law, Rob Rice, Village Engineer, residents and representatives of the press.

APPROVAL OF MINUTES

The minutes of April 4, 2000 were approved as printed.

PROCLAMATION

Vice President George Kaitsa presented Jeff Robinson, Powell This Week, with a proclamation honoring him for his service as a reporter for the Village of Powell. Mr. Robinson thanked Council for the honor and said that they may see him again on a freelance basis, however he will be leaving Powell This Week for Ohio Magazine.

CITIZEN PARTICIPATION

John Hill, 9158 Liberty Road, was present to discuss an application to rezone one acre of land behind his house. He said he would like to add one acre of residentially zoned property to three acres of planned industrial-zoned property to sell the whole parcel as planned-industrial. He reviewed the proposed rezoning and identified an existing tree line, which will serve as buffer for the parcel and remain straight with the change in zoning. He said when the Planning and Zoning Commission reviewed this application, he explained to them that he did not have a development plan because he is selling to an investor who will not use the land for three-four years. Judge Hill said he feels this differs from other rezonings in that he is "just tacking on a piece." He asked Council to reconsider their motion to send this issue back to the Planning and Zoning Commission.

Mr. Cline asked if the land immediately to the west of the portion Judge Hill would like to be rezoned is currently zoned PI, Planned Industrial. Judge Hill said it is. Mr. Cline asked if there is any development plan for that parcel. Judge Hill said there is not, but the person purchasing that land knows they will have to come to the Planning and Zoning Commission and Council with a development plan later. Mr. Cline asked if the requirement for a development plan was put in effect after this land was zoned. Judge Hill said it was.

Ms. Guzzo said she is concerned that there was an outcry from residents across the street when the land just to the north of this was rezoned to allow the Aeroflex-Lintek building. She said because of these types of concerns, zoning regulations were passed that do not allow for rezoning without addressing residents concerns and issues. Ms. Guzzo said she is not in favor of rezoning without a development plan, because what the purchaser might want to do could be unacceptable to the Village. Judge Hill said that will have to be addressed during the development plan process. In addition, this property has no access to Liberty Road, and his house sits between this property and Liberty Road. He said that if his request is denied, four acres will be sold regardless, from the already-zoned land. He said he has been trying to find a use in part of the industrially zoned portion that is more compatible with the park, such as senior citizen housing or assisted living. He said he would rather have this type of use than industrial on the edge of park, which is currently allowed.

Mr. Chambers asked what is the current zoning of the one-acre property. David Betz, Director of Development, said it is R, Residence District. Mr. Chambers said he agrees with Judge Hill. He said there is no way that land will ever be developed residentially. He said in this case, with a potential investor, Judge Hill needs to sell this property without a development plan. He said he thinks the strict interpretation of the development plan requirement is not going to work in situations such as this.

Mr. Nolan agreed with Mr. Chambers. He said there are obviously good reasons for amending the Zoning Code to require a plan, but if it effects this area of one acre, it needs to be adjusted.

Ms. Guzzo said the Comprehensive Plan says the Village should decrease the amount of land to be developed for non-residential uses and encourage more uses that are residential. Since this is zoned residential, it is poor judgement to rezone it without a development plan so that Council knows a good choice is being made.

Mr. Cline asked about Judge Hill's timetable for selling. Judge Hill said he would like to close as soon as possible. Mr. Schultz asked if Judge Hill plans to close with the fourth acre from the south if he can't get approval for a rezoning on this acre to the east. Judge Hill said he does.

Mr. Kaitsa said he agrees with what Judge Hill is proposing, and said it makes good planning sense. He said his only concern is applying the standard consistently to all developers. He asked that the Law Director review whether Council can accommodate this request and still remain consistent with the Zoning Code. He said if that can be accomplished, he believes Council would be interested in accommodating the request.

Mr. Schultz said that it is his understanding that several members of Council are working to reach a better understanding of that ordinance and what the interpretation should be. He said that this particular application brings to light that if the current wording doesn't allow for such a rezoning, a refined wording may be needed. He said he thinks the ordinance wasn't intended to impact something like this, but rather applications such as the BUS property, where a development plan is needed to make a proper decision.

Judge Hill asked if Council might have further information at their next meeting. Mr. Cline said he would hope so. There was no further public comment.

THIRD READING: ORDINANCE 2000-06: AN ORDINANCE AMENDING SECTION 1143.22 OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF POWELL REGARDING THE CERTIFICATE OF APPROPRIATENESS PROCESS IN THE HISTORIC DISTRICT. (TABLED FROM 4/4/2000)

Mr. Cline noted that Council has a revised amendment on the table this evening. Mr. Nolan said that the primary goal was to make the process fast for the applicants, and this does that. He said the Law Director agrees with him that a three-reading process is not necessary. Ken Molnar, Director of Law, said he feels the proposed amendment is fine.

Mr. Kaitsa asked if this process can be used to ratify the action of Historic District Commission (HDC) by a majority vote as opposed to approving it by default. He said his personal preference is that it be an affirmative process. Mr. Nolan said it could be changed as such, but he expressed concern that considering such an application as a regular agenda item would provide an hour of debate simply because it is on the agenda. Mr. Cline said that there could also be situations where there are only six Council members present which could split the vote and delay the process. He said he feels the HDC has been in existence for years without any review, and they should feel comfortable that unless four members of Council can be convinced that there is a problem with their action, that their action will stand. Council discussed an amendment to the Ordinance to address Mr. Kaitsa's concern.

Mr. Schultz asked if it is correct that Council can leave the plan alone, deny, or modify it, but that an additional hearing is not required. Mr. Nolan said that is correct. Mr. Cline said that Mr. Molnar feels if there is going to an additional hearing, there should be proper notification. If the resolution garners four votes to deny or modify the plan, then the HDC decision is being changed and Council should signify their intent to make such changes. A public hearing on a resolution should be held at the following meeting. Mr. Nolan said he doesn't think this should happen very often and therefore slow the process down considerably.

Ms. Guzzo asked if a parcel in the Old Powell Residential District was rezoned to Old Powell Commercial, would it still go before the Planning and Zoning Commission and Council. Mr. Betz said it would. The HDC would review changes to the exterior of the property during the Certificate of Appropriateness process, which comes after the rezoning. He said it is the Certificate of Appropriateness that will be impacted by this Ordinance.

MOTION: Mr. Cline moved to amend Ordinance 2000-06 so that Section (i) reads:

- 1. By Resolution require a hearing at the next regularly scheduled Council meeting to consider whether to deny or modify the Certificate of Appropriateness due to actions of the Historic District Commission that do not correspond to the Architectural Guidelines or approval process as otherwise required by the Zoning Code, or**
- 2. A failure to adopt a Resolution introduced to require a hearing to consider whether to deny or modify the Certificate of Appropriateness, it shall mean that the Certificate of Appropriateness, as approved by the Historic District Commission will be issued.**

Ms. Guzzo seconded the motion.

Mr. Nolan expressed concern that item #2 does not correspond to the last subparagraph in section (i) and he suggested that Council return to this item later in the meeting.

Mr. Kaitsa opened the hearing to public comment.

Garry Swackhamer, HDC, said that section (i) talks about demolition of a new principal structure, and recommended that the word new be dropped. He said he doesn't have a problem with this amendment. He suggested that a member of Council attend HDC meetings as they do Planning and Zoning so they may stay up to speed. He said when he was on Council, he also had an interest in HDC review because of some of the results coming out of the HDC. He said that currently, the HDC works well and that members of the HDC with property in the old village go above and beyond the requirements with their own property. He said that this process allows Council to override decisions they don't agree with and keeps people from being improperly influenced. He said that time itself will show how well this process will work. He said the HDC is in the process of reviewing their guidelines to make them user-friendlier and create better definitions with less redundancy.

Mr. Kaitsa noted that Jerry Keyser, Chairman of the HDC, sent a letter that indicates that he appreciates the opportunity to review the amendment and that the proposed amendment is satisfactory to the HDC.

Mr. Schultz agreed that the HDC is a solid Commission. He said that Council can always do better at communicating, and that they plan to have some goal setting and brainstorming with each committee, including the HDC. He expressed concern that it is very time consuming to have a member of Council attend every committee meeting. He said that he supports the compromise reached with this amendment, where Council does not have to review everything. He said Mr. Swackhamer's concern about influence is valid, and that additional review provides helps protect against people who may be improperly influenced.

SECOND READING: ORDINANCE 2000-11: AN ORDINANCE ADOPTING THE ASHMOORE PARK SITE MASTER PLAN. PUBLIC HEARING

Stephen A. Lutz, Village Manager, reviewed that Ashmoore Park is a 14-acre site donated in 1997 by the developer of Ashmoore. He said this park was part of the Ashmoore Development Plan, and it was planned as a passive rather than active recreational park.

David Betz, Director of Development, reviewed the development plan (Exhibit). He said this property will be donated when the public improvements in Ashmoore Section 3 are approved. He said the planning of this park started with Kelvin Trefz, who is on the Parks and Recreation Advisory Board and lives in the neighborhood. Mr. Trefz met with residents and came up with some ideas, then the Parks and Rec. Board held public hearings and redrafted the plan.

Mr. Betz reviewed the wildflower and prairie grass border and open field proposed for the site. He said the pond area will provide regional stormwater retention for Liberty Ridge, Ashmoore and Olentangy Ridge. He said they are proposing some benches and picnic tables throughout the site. He said that there is a stone wall proposed along the edge of the pond at normal water elevation. The pond will be aerated with a water feature using the best engineering practices. A fishing deck is proposed at the north side of the pond. They are proposing identification markers of trees and wildflowers. One mulch trail is planned within the woods to the west of the existing asphalt path through the woods. A mix of flowering and evergreen trees is planned on the east border. Dog bag boxes are proposed. Split-rail fences are proposed to keep people from cutting through yards.

Mr. Betz said that the Parks and Rec. Board anticipates that this park will be developed in stages. No cost estimates have been completed at this time.

Mr. Cline opened the hearing to public comment.

Jim Everson, 357 Nathan Drive, said that he and his neighbors moved to this area because of the appeal of the wooded area. He said he was given a guarantee that the woods would not be disturbed. He expressed concern that the mulch trail will disturb the natural state of the woods. He expressed concern that eventually, this path will be made asphalt to address concerns about handicap access. He said the mulch path will disturb more than enhance the area. He encouraged Council members to visit the site.

William Canfield, 488 Wooten Court South, said the woods are not that dense, and the mulch trail is just an encroachment. He said that deer seem to congregate right where the trail is proposed, and he questioned disturbing them. He said the asphalt path already located through the woods is sufficient, and he doesn't see the need for further encroachment.

Scott Hornbach, Ashmoore Circle, asked how this passive park fits in with the overall goal of Powell's Parks and Recreation Department. He said that there is a great need in this area for soccer fields and green space. He

asked what is the purpose of the park and what will draw people to it. He said he gets the impression that people are opposed to the path because they don't want people in their back yard.

Garry Swackhamer, said that there has to be some parkland set aside that isn't organized for sports. He said that sometimes people just need to take in nature. He said he would go to the park to read a book or have a picnic. He said he feels there are needs for both kinds of parks. He said that Powell has a swimming pool on one park, soccer fields on another, and this is a different use.

Kelvin Trefz, Parks and Recreation Advisory Board, said that this green space in Ashmoore fits in with what is needed for Parks and Rec. He said it is not an organized activity park, and that it was visualized this way from the beginning. He said the most active aspect is the bikepath going through. He said there might be pick up games of soccer, but no permanent goals or large playground equipment. He said that as a resident that borders the wooded area of the park, he has walked the woods extensively. He noted that there are two fallen trees in the wooded area that serve as a windbreak for the deer but also as a place for children to play, and he would like to encourage more children to play in the wooded area. The Parks and Rec. Board felt that the path is necessary to prevent disturbance of woodland materials. He noted that the mulch path was originally on the east side also, but it was removed during the planning process because it was too close to the back yards.

Mr. Kaitsa closed the public hearing.

Mr. Betz said that there is mulch that is handicap accessible, as is used at North Park. Mr. Nolan asked if the intent of the mulch path is to keep people from trampling the ground cover. Mr. Betz said it is. Mr. Nolan asked if the path could be added if damage is incurred. Mr. Betz said it can, but that by that point, some of the material could be lost.

Mr. Schultz said he likes the plan, and he feels the Parks and Recreation Advisory Board took a lot of time to consider all of these details. He said that while there is no official area, this site provides for informal soccer. He said people can go read a book at this site. He said he thinks the mulch path should be installed, as the issue was studied by the Parks and Rec. Board. He said if residents are concerned about people using the path, it is an entire lot-width away from any residential area. He said he thinks deer will run freely in spite of the path.

Mr. Cline said he also likes the path. He said the overall plan is very good, and he agrees with Mr. Schultz's comments about the deer. He agreed that he doesn't want the mulch path to later become a running track, but he feels the concept of the plan is clear that that is not intended. He said he would approve the plan as written with the understanding that it is still a concept plan. He said that when this plan is implemented, the mulch path may be last thing built.

Ms. Guzzo agreed with Mr. Cline. She said that the mulch path could be moved if there is a concern about a unique environment or protection of the deer. She said that Powell does need a park where people can sit and read and children can use their imagination and play Frisbee, soccer, etc., rather than another typical playground. She asked how accessible the park is. Mr. Betz said the bikepath will be connected to the sidewalk system in Olentangy Ridge. The bikepath will connect to Ashmoore and Liberty Ridge. The Ashmoore path will continue all the way north to Canterbury, then north to Middlebury Estates.

Mr. Chambers said when Council approved the original development plan for Ashmoore, much was done to preserve the woods. He said the intent was for a passive use, partly because there is no way to build a parking lot without tearing down trees. He said he supports the plan.

Mr. Kaitsa said he likes the plan very much. He agreed that is nice to have a passive park where one can enjoy nature as intended. He said he appreciates the comments about the additional mulch trail, but he doesn't think it will detract from the area. He said he likes the combination of woods, open space, informal soccer area, and retention pond. He said the Parks and Rec. Board should be commended for their work on this plan.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2000-11. Mr. Chambers seconded the motion.

Mr. Nolan said he would like to walk through the park area before approving the plan.

VOTE: Y 4 N 2 (Guzzo, Nolan)

The Ordinance was taken to a third reading.

SECOND READING: ORDINANCE 2000-14: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000.

Stephen A. Lutz, Village Manager, reviewed that these funds are necessary to pay the increased cost for street cleaning this year.

MOTION: Mr. Chambers moved to suspend the rules on Ordinance 2000-14. Mr. Cline seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Chambers moved to adopt Ordinance 2000-14. Mr. Cline seconded the motion.

VOTE: Y 6 N 0

FIRST READING: ORDINANCE 2000-15: AN ORDINANCE MODIFYING APPROPRIATIONS FOR THE CALENDAR YEAR 2000.

Stephen A. Lutz, Village Manager, said this Ordinance will fund the Village's newest employee, assistant Village Engineer, Chris Huber. He introduced Mr. Huber to Council.

MOTION: Mr. Cline moved to suspend the rules on Ordinance 2000-15. Mr. Chambers seconded the motion.

VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adopt Ordinance 2000-15. Mr. Chambers seconded the motion.

VOTE: Y 6 N 0

PARKS AND RECREATION PROGRAMS – Jeff Snyder, Parks and Recreation Supervisor

Stephen A. Lutz, Village Manager, introduced Jeff Snyder, the Village's new Parks and Recreation Supervisor. Mr. Snyder reviewed a draft of his Parks and Recreation programming outline (Exhibit). He noted that programming this summer will be geared toward teenagers.

Ms. Guzzo recommended that Mr. Snyder contact those involved in the Liberty Township Recreation Center/YMCA.

Mr. Chambers said he showed the draft programming to his wife, who was very excited about the proposal, and he has talked to other residents who are also excited. He said that Mr. Snyder might be very surprised with the demand and response for such programming. He asked how far Mr. Snyder is from finalizing the programming.

Mr. Snyder said he will be meeting with the finance committee to discuss funding and with Chief of Police Gary Vest to discuss the Police Athletic League grant funding. He said designing the program is the easy part, and the difficult part is to find funding, volunteers, and donated resources. He noted that Council should expect to take a loss in the beginning stages of this programming.

Mr. Nolan asked where the priority for teenage programs came from. Mr. Snyder said it came partly from teens attending the Parks and Rec. meeting to voice their concerns about recreation. Mr. Nolan asked if there was a formal survey. Kelvin Trefz, Parks and Recreation Advisory Board, said part of the reason is that this program will begin in the summer when teens have free time.

Mr. Nolan said that the Village should be careful that taxpayer money is serving taxpayers, especially with having partnerships with larger organizations. Mr. Snyder said the pay schedule should favor village residents.

Mr. Schultz said it is a benefit to have someone thinking about parks and recreation full-time. He said the sooner projects get started the better. Mr. Cline echoed Mr. Schultz's comments, and said that Mr. Snyder should ask for the resources that he needs now while everyone is focused on Parks and Recreation programming. He said he loved everything he saw on the proposal.

Mr. Kaitsa welcomed Mr. Snyder and suggested that he also work with Powell Homeowners' Associations. He asked if the Village Green will be used for programming. Mr. Snyder said his goal is for this building to be for the community. Mr. Lutz noted that this is a new program for everyone, and he encouraged input from Council.

COMMITTEE REPORTS

Development Committee: (Next Meeting: May 2, 6:30 p.m.) Mr. Chambers reviewed the Development Committee's recommendation for a Village sidewalk repair policy (Exhibit). He added that homeowners' should be encouraged to use approved trees and remove unapproved trees. He said trees should be encouraged for aesthetics and shade. Mr. Schultz said that the sidewalks in Olentangy Ridge which are being damaged by the trees brought this issue forward, and that the residents of that area may decide to pay to have sidewalks rerouted or continue to pay a maintenance cost. He said that the Development Committee expressed that these decisions should be made by the homeowners.

Mr. Kaitza said he feels the recommendations are very reasonable. Mr. Nolan asked for the distinction for approved and unapproved trees. Mr. Lutz said there is a list of approved trees in the Zoning Code. Unapproved trees typically have shallow root systems that disturb sidewalks. Mr. Nolan asked, if approved trees are used will the Village fix a damaged sidewalk. Mr. Lutz said they will. He said that there probably wasn't an approved tree list when Olentangy Ridge was developed.

Mr. Nolan asked what is the "bottom line" for Glen Village Court. Mr. Schultz said if they are not approved trees, those residents will have to repair those sidewalks. He said that Elmer Meider, Development Committee member, expressed that people probably will not want to cut those trees down because they are such a part of that street.

Mr. Kaitza recommended that Council meet with residents before an ordinance is prepared regarding these guidelines. Mr. Nolan agreed.

Ms. Guzzo said she thinks the Village should not reimburse property owners but contract the work itself. In addition, the village should notify homeowners with hazardous situations that sidewalks need to be repaired.

Mr. Cline said he agrees with the Committee's recommendation. He addressed the remaining issues discussed by the Committee:

- 1) **Who contracts the work? The Village or the property owner?** Mr. Cline said that there are two types of contracts the Village could be involved in, repairing sidewalks and removing and replacing trees.
- 2) **Who performs the work? The contractor or the property owner?** He said he does not see a circumstance where Village builds sidewalks, because approved trees should not be tearing them up.
- 3) **Authority for the Village to issue notices to repair? Deadline for compliance?** He said he sees this as a permissive ordinance where the Village cannot require a homeowner to remove an unapproved tree, and he feels that is the right way to go. He said the Village does have the authority to issue notices of repair and set deadlines for compliance under standing zoning ordinances.
- 4) **Authority to access costs incurred by the Village if the Village does the work due to non-compliance with the notice?** Mr. Cline said that he thinks the authority to assess should be included.

Finance Committee: Mr. Kaitza said that the Finance Committee has asked Staff for a model to identify cash flow for capital projects. He said that will be discussed at the next meeting on May 11.

Administration Committee: Ms. Guzzo said the Committee met this evening and discussed a format for joint meetings between Council and the Planning and Zoning Commission, Parks and Recreation Advisory Board and Historic District Commission. She said that Staff should make this format available for the next Council packet. Mr. Cline reviewed the plan to compare goals of certain groups with those identified in the Comprehensive Plan. If those goals do not coincide with the Comprehensive Plan, the question is whether that is because the Comprehensive Plan no longer reflects the desires of the Village.

MUNICIPAL MANAGERS REPORT

Stephen A. Lutz, Village Manager, reported on the following items:

- The Village was not notified of the recent South Liberty Street railroad crossing and was unable to provide detour signs. He said that the Village will be sending a letter to the railroad to make sure there is a clear understanding that notification is expected when the railroad needs to close the tracks for repairs. He said that this will minimize disruption. Mr. Chambers said he received many telephone calls about this issue from residents who were mad at the Village although it is the railroad's fault. Mr. Lutz said local papers should be coming out with articles indicating that the Village was not informed.
- The Chamber of Commerce has proposed rerouting the Memorial Day Parade. Mr. Schultz said that people typically like to view the parade on South Liberty Street, and asked if there will be a proper location with the

new route. Mr. Lutz said that the Chamber is trying to get people to view the parade from the paver sidewalks between the four corners and the railroad.

- The two members of the Parks and Recreation Advisory Board who have expired terms have expressed a desire to be reappointed. Mr. Kaitsa recommended that this issue be considered in executive session.
- Information regarding recent annexation legislation has been provided to Council. Mr. Chambers said he would support a resolution opposing the new bill. Ms. Guzzo said she would support a resolution supporting it. Mr. Kaitsa asked if Staff can make a recommendation to Council on this issue. Mr. Lutz said he feels this is a policy issue. Mr. Cline agreed, and said he doesn't think it is at a critical state in the legislation process. He said Council has time to contemplate this issue.

A brief discussion was held regarding the fees for the new elementary school. Mr. Lutz said the school has agreed to provide information on their request for a waiver of fees. Mr. Schultz said they have provided information indicating that Liberty and Berlin Townships have waived the zoning fees. Mr. Lutz said that is correct, but they didn't discuss building fees.

FINANCIAL REPORTS

The Accounts Payable was marked received.

OTHER REPORTS

The Monthly Planning and Zoning Report and Monthly Police Report were marked received.

CLERK OF COUNCIL CORRESPONDENCE

There was none.

OTHER COUNCIL MATTERS

Park Names: Council reviewed and approved the recommendations of the Parks and Recreation Advisory Board regarding park names (Exhibit) with the exception of "Arbor Park" for Falcon Ridge.

Mr. Chambers said he would support signage for the parks. Mr. Lutz said he will come back with alternatives for different types of signage and the costs of each.

Relocation of Downtown Electric Poles: Mr. Lutz said that it has been discovered that there is still a phone line connected to these poles. Rob Rice, Village Engineer, said that Ameritech has been contacted about this issue. Mr. Lutz said he will report on this issue at the next Council meeting.

THIRD READING: ORDINANCE 2000-06: AN ORDINANCE AMENDING SECTION 1143.22 OF THE PLANNING AND ZONING CODE OF THE VILLAGE OF POWELL REGARDING THE CERTIFICATE OF APPROPRIATENESS PROCESS IN THE HISTORIC DISTRICT. (TABLED FROM 4/4/2000)

MOTION: Mr. Nolan moved to amend the Ordinance by deleting the word "new" as suggested by Mr. Swackhamer. In addition, Section (i) shall read: Notwithstanding the provisions in Section 1143.22(h), those applications within the OPC, Old Powell Commercial District, and OPR, Old Powell Residence District, which include the construction or demolition of a principle structure, an addition to a principle structure, or the change of use of a principle structure from residential to non-residential uses, shall be subject to review by the Village Council at its next scheduled meeting after action is taken by the Historic District Commission. The Village Council shall at said meeting either:

1. By resolution require a hearing at the next regularly scheduled Council meeting to consider whether to deny or modify the Certificate of Appropriateness due to actions by the Historic District Commission that do not correspond to the Architectural Guidelines or approval process as otherwise required by the Zoning Code, or
2. Pass no such resolution, in which case the Certificate of Appropriateness as approved by the Historic District Commission will be issued.

VOTE: Y 6 N 0

Mr. Chambers asked if this requires a resolution to hold a hearing at the next meeting to either modify or deny the decision of the HDC. Mr. Cline said it does. Mr. Chambers asked if the absence of such resolution means the Certificate of Appropriateness is approved. Mr. Cline said that it does.

MOTION: Mr. Cline moved to adopt Ordinance 2000-06 as amended. Mr. Nolan seconded the motion.
VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adjourn to Executive Session at 9:50 p.m. in accordance with ORC Section 121.22 (G) (1) Personnel Matters; Boards And Commission Appointments, and with Section 121.22 (G) (2), Land Acquisition. Mr. Nolan seconded the motion.
VOTE: Y 6 N 0

MOTION: Mr. Cline moved to adjourn from Executive Session at 10:05 p.m. Mr. Nolan seconded the motion.
VOTE: Y 6 N 0

MOTION: Mr. Cline moved to reconvene in regular open session at 10:05 p.m. Mr. Nolan seconded the motion.
VOTE: Y 6 N 0

OTHER COUNCIL MATTERS

MOTION: Mr. Cline moved to reappoint Paul Pratt and Jim Seta to the Parks and Recreation Advisory Board. Mr. Nolan seconded the motion.
VOTE: Y 6 N 0

MOTION: Mr. Cline moved to amend Resolution 2000-06, passed April 4, 2000, to increase the amount indicated in Section 4 to \$11,100. Mr. Nolan seconded the motion.
VOTE: Y 6 N 0

ADJOURNMENT

Council adjourned at 10:10 p.m.

DATE MINUTES APPROVED: May 2, 2000

Mark F. Klein 5/16/00
Mark F. Klein Date
Mayor

Dawn Nauman 5/17/2000
Dawn Nauman Date
Clerk of Council

4/18/00 Meet
April 10, 2000

Council Members

Re: Proposed Murphy Development

Grandshire Homeowners Association
P.O. Box 1246
Powell, Ohio 43065

Triangle Real Estate Services
6099 Frantz Road
Dublin, Ohio 43017

Attn: Mr. Mark DiSabato

Dear Mr. DiSabato:

I would like to thank you for the time you took to explain the proposed plans your company has for developing the land north of our development, Grandshire. The residents have been concerned, for years, as to what would eventually be built on this property. We feel that this property will have a great effect on the value of our property in Grandshire.

The consensus was positive after you left. Your plans for single family homes along with upscale condominiums had residents fears put aside for the most part. It was refreshing to hear someone state that they wanted to make this new development acceptable to all parties.

As stated during our meeting, we are very concerned that the homes backing up to property in Grandshire be constructed like homes in Grandshire. We would, at least, like assurance that the homes that will share a property line with a Grandshire home be built with exteriors that are Stucco, Cedar, Stone or Brick, just like the homes in Grandshire. We would also request that no Vinyl siding be used anywhere in your development of the Murphy Property.

I have enclosed a copy of the "General Warranty Deed and Declaration of Subdivision Restrictive Covenants" that currently exist for Grandshire residents. These restrictions cover a multitude of items that are followed to protect property values. We would like to suggest that the homes built in your new development also adopt these restrictions. We believe these covenants will enhance the property values in your new development.

As you stated, we all want to save as many trees as possible. We would like to see that every effort is made to protect trees anywhere on the developing property but especially those that stretch along the north end of Grandshire.

When requesting zoning for buildings along Powell Rd., we would ask that it be limited to commercial. We would not like to see any industrial or light industrial zoning.

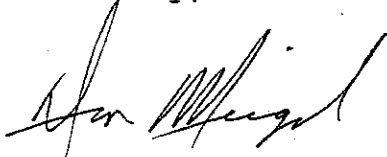
I believe that Dave Betz, Director of Development for Powell, has a request to straighten out the road extending east/west from Murphy's Parkway to Sawmill Road. We highly support this redesign. It may reduce the development by one lot but it will provide a more direct east/west route that will help traffic in the years to come.

I believe our concerns are minor compared to the enthusiasm we have for the plans presented. The majority of the residents at our meeting were very much in favor of your development plans. We would prefer a large park and more greenspace but we also realize that it could be worse. We are not property planners but home owners protecting what little we have. We thank you for listening and hope that your continued plans for this development remain as upscale as explained to us on April 5th.

If you have any questions regarding our comments or have additional ideas or changes that you would like to discuss please call. I can be reached at work (614)771-1333 or home (614) 766-6576. My address is 394 Manderly Court, Powell, Ohio 43065.

Thank you, again, for your concern for the residents of Grandshire.

Sincerely,



Don Meigel
President
Grandshire Homeowners Assoc.

cc: Dave Betz - Village of Powell
Steve Lutz - Village of Powell